

KANSAS AFFAIRS.

JULY 23, 1856.—*Resolved*, That one hundred thousand copies extra, each, of the Majority and Minority Reports of the Kansas Investigating Committee (without the journal and evidence) be printed for the use of the members of the House.

Mr. HOWARD, from the Select Committee, made the following

REPORT.

[Mr. MORDECAI OLIVER submitted the views of the minority, herewith printed.]

The Special Committee appointed to investigate the troubles in the Territory of Kansas, having performed the duties required by the House, beg leave to submit the following report:

A journal of proceedings, including sundry communications made to and by the committee, was kept; a copy of which is herewith submitted.

A copy of the testimony has been made and arranged; not according to the order in which it was taken, but so as to present as clearly as possible a consecutive history of events in the Territory from its organization to the 19th day of March, A. D. 1856.

This copy and the original, with copies of the census rolls and the poll-books of all the elections, are herewith submitted.

Your committee deem it their duty to state, as briefly as possible, the principal facts proven before them. When the act to organize the Territory of Kansas was passed on the 30th of May, 1854, the greater portion of its eastern border was included in Indian reservations not open for settlements, and there were but few white settlers in any portion of the Territory. Its Indian population was rapidly decreasing, while many emigrants from different parts of our country were anxiously waiting the extinction of the Indian title, and the establishment of a Territorial government, to seek new homes on its fertile prairies. It cannot be doubted that if its condition as a free Territory had been left undisturbed by Congress, its settlement would have been rapid, peaceful, and prosperous. Its climate, its soil, and its easy access to the older settlements, would have made it the favored course for the tide of emigration constantly flowing to the West, and by this time it would have been admitted into the Union as a free State, without the least sectional excitement. If so organized, none but the kindest feelings could have existed between its citizens and those of the adjoining State. Their mutual interests and

intercourse, instead of, as now, endangering the harmony of the Union, would have strengthened the ties of national brotherhood. The testimony clearly shows that before the proposition to repeal the Missouri compromise was introduced into Congress, the people of western Missouri appeared indifferent to the prohibition of slavery in the Territory, and neither asked nor desired its repeal.

When, however, the prohibition was removed by the action of Congress, the aspect of affairs entirely changed. The whole country was agitated by the reopening of a controversy which conservative men in different sections believed had been settled in every State and Territory by some law beyond the danger of repeal. The excitement which has always accompanied the discussion of the slavery question was greatly increased by the hope, on the one hand, of extending slavery into a region from which it had been excluded by law; and, on the other, by a sense of wrong done by what was regarded as a dishonor of a national compact. This excitement was naturally transferred into the border counties of Missouri and the Territory, as settlers favoring free or slave institutions moved into it. A new difficulty soon occurred. Different constructions were put upon the organic law. It was contended by the one party that the right to hold slaves in the Territory existed, and that neither the people nor the Territorial legislature could prohibit slavery; that that power was alone possessed by the people when they were authorized to form a State government. It was contended that the removal of the restriction virtually established slavery in the Territory. This claim was urged by many prominent men in western Missouri, who actively engaged in the affairs of the Territory. Every movement, of whatever character, which tended to establish free institutions, was regarded as an interference with their rights.

Within a few days after the organic law passed, and as soon as its passage could be known on the border, leading citizens of Missouri crossed into the Territory, held squatter meetings, and then returned to their homes. Among their resolutions are the following:

"That we will afford protection to no abolitionist as a settler of this Territory."

"That we recognise the institution of slavery as already existing in this Territory, and advise slaveholders to introduce their property as early as possible."

Similar resolutions were passed in various parts of the Territory, and by meetings in several counties of Missouri. Thus the first effect of the repeal of the restriction against slavery was to substitute the resolves of squatter meetings, composed almost exclusively of citizens of a single State, for the deliberate action of Congress acquiesced in for thirty-five years.

This unlawful interference has been continued in every important event in the history of the Territory; *every election* has been controlled, not by the actual settlers, but by citizens of Missouri; and, as a consequence, every officer in the Territory, from constable to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers; and your committee have been unable to find that any political power what-

ever, however unimportant, has been exercised by the people of the Territory.

In October, A. D. 1854, Gov. A. H. Reeder, and the other officers appointed by the President, arrived in the Territory. Settlers from all parts of the country were moving in in great numbers, making their claims and building their cabins. About the same time, and before any election was or could be held in the Territory, a secret political society was formed in the State of Missouri.(1) It was known by different names, such as "Social Band," "Friends' Society," "Blue Lodge," "The Sons of the South." Its members were bound together by secret oaths, and they had pass-words, signs, and grips, by which they were known to each other; penalties were imposed for violating the rules and secrets of the order; written minutes were kept of the proceedings of the lodges: and the different lodges were connected together by an effective organization. It embraced great numbers of the citizens of Missouri, and was extended into other slave States and into the Territory. Its avowed purpose was not only to extend slavery into Kansas, but also into other territories of the United States, and to form a union of all the friends of that institution. Its plan of operating was to organize and send men to vote at the elections in the Territory, to collect money to pay their expenses, and, if necessary, to protect them in voting. It also proposed to induce pro-slavery men to emigrate into the Territory, to aid and sustain them while there, and to elect none to office but those friendly to their views. This dangerous society was controlled by men who avowed their purpose to extend slavery into the Territory at all hazards, and was altogether the most effective instrument in organizing the subsequent armed invasions and forays. In its lodges in Missouri the affairs of Kansas were discussed. The force necessary to control the election was divided into bands and leaders selected. Means were collected, and signs and badges were agreed upon. While the great body of the actual settlers of the Territory were relying upon the rights secured to them by the organic law, and had formed no organization or combination whatever, even of a party character, this conspiracy against their rights was gathering strength in a neighboring State, and would have been sufficient at their first election to have overpowered them, even if they had been united to a man.

Your committee had great difficulty in eliciting the proof of the details in regard to this secret society. One witness, a member of the legislative council, refused to answer questions in reference to it.(2) Another declined to answer fully, because to do so would result to his injury.(3) Others could or would only answer as to the general purposes of the society; but sufficient is disclosed in the testimony to show the influence it had in controlling the elections in the Territory.

The first election was for a delegate to Congress. It was appointed for the 29th of November, 1854. The governor divided the Territory into seventeen election districts, appointed judges, and prescribed proper rules for the election. In the first, third, eighth, ninth, tenth,

(1) Jourdan Davidson, J. C. Prince, John Scott, J. H. Stringfellow.

(2) W. P. Richardson.

(3) J. C. Prince

twelfth, thirteenth, and seventeenth districts there appears to have been but little if any fraudulent voting.

The election in the 2d district was held at the village of Douglas, near fifty miles from the Missouri line. On the day before the election large companies of men came into the district in wagons and on horseback, and declared that they were from the State of Missouri, and were going to Douglas to vote. On the morning of the election they gathered around the house where the election was to be held. Two of the judges appointed by the governor did not appear, and other judges were selected by the crowd; all then voted. In order to make a pretence of right to vote, some persons of the company kept a pretended register of squatter claims, on which any one could enter his name, and then assert he had a claim in the Territory. A citizen of the district, who was himself a candidate for delegate to Congress, was told by one of the strangers that he would be abused, and probably killed, if he challenged a vote.(4) He was seized by the collar, called a damned abolitionist, and was compelled to seek protection in the room with the judges. About the time the polls were closed these strangers mounted their horses and got into their wagons and cried out, "All aboard for Westport and Kansas City." A number were recognised as residents of Missouri, and among them was Samuel H. Woodson, a leading lawyer of Independence. Of those whose names are on the poll-books, 35 were resident settlers and 226 were non-residents.

The election in the fourth district was held at Dr. Chapman's, over forty miles from the Missouri State line. It was a thinly settled region, containing but forty-seven voters in February, 1855, when the census was taken. On the day before the election, from one hundred to one hundred and fifty citizens of Cass and Jackson counties, Missouri, came into this district, declaring their purpose to vote, and that they were bound to make Kansas a slave State, if they did it at the point of the sword.(5) Persons of the party on the way drove each a stake in the ground, and called it a claim; and in one case several names were put on one stake. The party of strangers camped all night near where the election was to be held, and in the morning were at the election polls and voted. One of their party got drunk, and to get rid of Dr. Chapman, a judge of the election, they sent for him to come and see a sick man, and, in his absence, filled his place with another judge, who was not sworn. They did not deny or conceal that they were residents of Missouri, and many of them were recognised as such by others. They declared that they were bound to make Kansas a slave State. They insisted upon their right to vote in the Territory if they were in it one hour. After the election they again returned to their homes in Missouri, camping over night on the way.

We find upon the poll-books 161 names; of these not over 30 resided in the Territory, and 131 were non-residents.(6)

But few settlers attended the election in the fifth district, the district

(4) John A. Wakefield.

(5) Peter Bassinger.

(6) Thomas Hopkins, Reuben Hackett, Perry Fuller, John F. Lucas.

being large and the settlements scattered. Eighty-two votes were cast; of these between 20 and 30 were settlers,(7) and the residue were citizens of Missouri. They passed into the Territory by way of the Santa Fe road, and by the residence of Dr. Westfall, who then lived on the western line of Missouri.(8) Some little excitement arose at the polls as to the legality of their voting; but they did vote for Gen. Whitfield, and said they intended to make Kansas a slave State, and that they had claims in the Territory. Judge Teagle, judge of the court in Jackson county, Missouri, was present, but did not vote.(9) He said he did not intend voting, but came to see that others voted. After the election, the Missourians returned the way they came.

The election in the sixth district was held at Fort Scott, in the south-east part of the Territory, and near the Missouri line. A party of about one hundred men from Cass county, and the counties in Missouri south of it, went into the Territory, travelling about 45 miles, most of them with their wagons and tents, and camping out. They appeared at the place of election. Some attempts were made to swear them, but two of the judges were prevailed upon not to do so, and none were sworn, and as many as chose voted. There were but few resident voters at the polls. The settlement was sparse; about 25 actual settlers voted out of 105 votes cast, leaving 80 illegal votes.(10) After the voting was over, the Missourians went to their wagons and commenced leaving for home.

The most shameless fraud practised upon the rights of the settlers at this election was in the seventh district. It is a remote settlement, about seventy-five miles from the Missouri line, and contained, in February, A. D. 1855, three months afterwards, when the census was taken, but 53 voters; and yet the poll-books show that 604 votes were cast. The election was held at the house of Frey McGee, at a place called "110." But few of the actual settlers were present at the polls.(11) A witness, who formerly resided in Jackson county, Missouri, and was well acquainted with the citizens of that county, (12) says that he saw a great many wagons and tents at the place of election, and many individuals he knew from Jackson county. He was in their tents, and conversed with some of them, and they told him they had come with the intention of voting. He went to the polls, intending to vote for Flennigan; but his ticket being of a different color from the rest, his vote was challenged by Frey McGee, who had been appointed one of the judges, but did not serve. Lemuel Ralston, a citizen of Missouri, was acting in his place. The witness then challenged the vote of a young man by the name of Nolan, whom he knew to reside in Jackson county. Finally, the thing was hushed up, as the witness had a good many friends there from that county, and it might have led to a fight if he challenged any more votes. Both voted; and he then went down to their camp. He there saw many of

(7) James W. Wilson.

(8) Dr. B. C. Westfall.

(9) J. W. Wilson.

(10) J. C. Prince.

(11) Matthias A. Reed.

(12) William F. Johnstone.

his old acquaintances, who he knew had voted at the election in August previous in Missouri, and who still resided in that State. By a careful comparison of the poll-lists with the census-rolls, we find but 12 names on the poll-book who were voters when the census was taken, three months afterwards; and your committee are satisfied that not more than 20 legal votes could have been polled at that election. The only residents who are known to have voted are named by the witness, and are 13 in number; thus leaving 584 illegal votes cast in a remote district, when the settlers within many miles were acquainted with each other.

The total number of white inhabitants in the 11th district in the month of February, A. D. 1855, including men, women, and children, was 36, of whom 24 are voters. Yet the poll-lists in this district show that 245 votes were cast at this election. For reasons stated hereafter, in regard to the election on the 30th of March, your committee were unable to procure the attendance of witnesses from this district. From the records, it clearly appears that the votes cast could not have been given by lawful resident voters. The best test, in the absence of direct proof, by which to ascertain the number of legal votes cast, is by a comparison of the census-roll with the poll-books, by which it appears that but 7 resident settlers voted; and 238 votes were illegally and fraudulently given.

The election in the 14th district was held at the house of Benjamin Harding, a few miles from the town of St. Joseph's, Missouri. Before the polls were opened, a large number of citizens of Buchanan county, Missouri, and among them many of the leading citizens of St. Joseph's, were at the place of voting, and made a majority of the company present. At the time appointed by the governor for opening the polls, two of the judges were not there, and it became the duty of the legal voters present to select other judges. The judge who was present (13) suggested the name of Mr. Waterson as one of the judges; but the crowd voted down the proposition. Some discussion then arose as to the right of non-residents to vote for judges, during which Mr. Bryant was nominated and elected by the crowd. Some one nominated Col. John Scott as the other judge, who was then, and is now, a resident of St. Joseph's, Missouri. At that time he was the city attorney of that place, and so continued until this spring; but he claimed that the night before he had come to the house of Mr. Bryant, and had engaged boarding for a month, and considered himself a resident of Kansas on that ground.

The judge appointed by the governor refused to put the nomination of Col. Scott to the vote, because he was not a resident. After some discussion, Judge Leonard, a citizen of Missouri, stepped forward and put the vote himself; and Mr. Scott was declared by him as elected by the crowd, and served as a judge of the election that day. After the election was over he returned to St. Joseph's, and never since has resided in the Territory. It is manifest that this election of a non-resident lawyer as a judge was imposed upon the settlers by the citizens of Missouri. When the board of judges was thus completed, the

voting proceeded; but the effect of the rule adopted by the judges allowed many, if not a majority, of the non-residents to vote. They claimed that their presence on the ground, especially when they had a claim in the Territory, gave them a right to vote; and under that construction of the law they readily, when required, swore they were "residents," and then voted. By this evasion, as near as your committee can ascertain from the testimony, as many as 50 illegal votes were cast in this district out of 153, the whole number polled.

The election in the 15th district was held at Penseneau's, on Stranger creek, a few miles from Weston, Missouri. On the day of the election a large number of citizens of Platte county, but chiefly from Weston and Platte City, Missouri, came in small parties, in wagons and on horseback, to the polls. Among them were several leading citizens of that town; and the names of many of them are given by the witnesses.(14) They generally insisted upon their right to vote, on the ground that every man having a claim in the Territory could vote, no matter where he lived.(15) All voted who chose. No man was challenged or sworn. Some of the residents did not vote. The purpose of the strangers in voting was declared to be to make Kansas a slave State.(16) Your committee find, by the poll-books, that 306 votes were cast; of these we find but 57 are on the census-rolls as legal voters in February following. Your committee are satisfied, from the testimony, that not over 100 of those who voted had any right so to do, leaving at least 206 illegal votes cast.

The election in the 16th district was held at Leavenworth. It was then a small village of three or four houses, located on the Delaware reservation.(17) There were but comparatively few settlers then in the district, but the number rapidly increased afterwards. On the day before, and on the day of the election, a great many citizens of Platte, Clay, and Ray counties, Missouri, crossed the river, most of them camping in tents and wagons about the town, "like a camp-meeting." (18) They were in companies or messes of 10 to 15 in each, and numbered in all several hundred. They brought their own provision, and cooked it themselves, and were generally armed. Many of them were known by the witnesses, and their names are given, which are found upon the poll-books. Among them were several persons of influence where they resided in Missouri, and held, or had held, high official position in that State. They claimed to be residents of the Territory from the fact that they were there present, and insisted upon the right to vote, and did vote. Their avowed purpose in doing so was to make Kansas a slave State. These strangers crowded around the polls, and it was with great difficulty that the settlers could get to the polls.(19) One resident attempted to get to the polls in the afternoon, but was crowded and pulled back. He then went outside of the crowd, and hurrahed for Gen. Whitfield; and some of those

(14) J. B. Crane, Francis M. Patton, John W. House, Phineas Skinner, H. B. Gale.

(15) J. B. Gale.

(16) H. B. Gale.

(17) George H. Keller and John A. Landis.

(18) George H. Keller.

(19) John A. Landis, L. J. Eastin.

who did not know him said, "There's a good pro-slavery man," and lifted him up over their heads, so that he crawled on their heads and put in his vote. A person who saw, from the color of his ticket, that it was not for Gen. Whitfield, cried out, "He is a damned abolitionist—let him down;" and they dropped him.(20) Others were passed to the polls in the same way, and others crowded up in the best way they could. After this mockery of an election was over the non-residents returned to their homes in Missouri. Of the 312 votes cast, not over 150 were by legal voters.

The following abstract exhibits the whole number of votes at this election for each candidate, the number of legal and illegal votes cast in each district, and the number of legal voters in each district in February following.

Abstract of census and election of November 29, 1854.

Districts.	Place of voting.	Whitfield.	Wakefield.	Flemmiken.	Scattering.	Total.	No. of voters by census.	Legal votes.	Illegal votes.
First.....	Lawrence	46	188	51	15	300	369	300	.....
Second.....	Douglas	235	20	6	.....	261	190	35	226
Third.....	Stinson's	40	.....	7	.....	47	101	47	.....
Fourth.....	Dr. Chapman's	140	21	21	.....	161	47	30	131
Fifth.....	H. Sherman's	63	4	15	.....	82	442	30	52
Sixth.....	Fort Scott.....	105	.....	.....	.....	105	253	25	80
Seventh.....	" 110 "	597	.....	7	.....	604	53	20	584
Eighth.....	Council Grove	16	.....	.....	.....	16	29	16	.....
Ninth.....	Reynolds'	9	.....	31	.....	40	36	40	.....
Tenth.....	Big Blue Cross	2	6	29	.....	37	63	37	.....
Eleventh.....	Marysville.....	237	.....	3	5	245	24	7	238
Twelfth.....	Warton's store	31	9	.....	1	41	78	41	.....
Thirteenth.....	Osawkie	69	1	1	.....	71	96	71	.....
Fourteenth.....	Harding's	130	.....	23	.....	153	334	103	50
Fifteenth.....	Penseno	267	.....	39	.....	306	308	100	206
Sixteenth.....	Leavenworth	232	.....	80	.....	312	385	150	162
Seventeenth.....	Shawnee Agency	49	.....	13	.....	62	50	62	.....
Eighteenth.....	.....	.....	.....	.....	.....	.....	28	.....	.....
Total.....	.....	2,258	248	305	22	2,833	2,905	1,114	1,729

Thus your committee find that in this, the first election in the Territory, a very large majority of the votes were cast by citizens of the State of Missouri, in violation of the organic law of the Territory. Of the legal votes cast, General Whitfield received a plurality. The settlers took but little interest in the election, not one-half of them voting. This may be accounted for from the fact that the settlements were scattered over a great extent, that the term of the delegate to be elected was short, and that the question of free or slave institutions was not generally regarded by them as distinctly at issue. Under these circumstances, a systematic invasion from an adjoining State, by which large numbers of illegal votes were cast in remote and sparse settlements, for the avowed purpose of extending slavery into the Territory, even though it did not change the result of the election,

was a crime of great magnitude. Its immediate effect was to further excite the people of the northern States, and exasperate the actual settlers against their neighbors in Missouri.

In January and February, A. D. 1855, the governor caused an enumeration to be taken of the inhabitants and qualified voters in the Territory, an abstract of which is here given.

By whom taken.	Districts.	Males.	Females.	Voters.	Minors.	Natives U. S.	Foreign birth.	Negroes.	Slaves.	Total.
C. W. Babcock.....	1st district.....	623	339	369	450	887	75	.....	.....	902
O. H. Brown.....	2d..... do.....	316	203	199	237	506	19	1	7	510
T. W. Hayes.....	3d..... do.....	161	91	101	112	215	12	.....	6	252
O. B. Donaldson.....	4th..... do.....	106	71	47	97	169	2	1	1	177
Wm. Barbee.....	5th..... do.....	824	583	442	724	1,385	22	27	26	1,410
Do.....	6th..... do.....	492	318	253	418	791	12	11	11	810
J. B. McClure.....	7th..... do.....	82	36	53	50	117	1	1	1	118
Do.....	8th..... do.....	56	27	39	28	76	7	13	10	83
M. F. Conway.....	9th..... do.....	61	25	36	31	66	12	14	3	86
Do.....	10th..... do.....	97	54	63	61	108	23	.....	.....	151
B. H. Twombly.....	11th..... do.....	33	3	24	5	30	6	.....	.....	38
Do.....	12th..... do.....	104	40	78	35	109	37	1	7	144
H. B. Jolly.....	13th..... do.....	168	116	96	145	273	9	14	14	281
Albert Weed.....	14th..... do.....	655	512	354	.....	301	46	1	35	1,167
H. B. Jolly.....	15th..... do.....	492	381	308	448	846	16	15	15	873
Chas. Leib.....	16th..... do.....	708	475	385	514	1,042	104	48	33	1,183
Alex. O. Johnson.....	17th..... do.....	91	59	50	54	143	5	4	23	159
B. H. Twombly.....	18th..... do.....	59	40	28	51	97	1	.....	.....	99
Total.....	.....	5,128	3,383	2,905	3,469	7,161	408	151	192	8,601

ELECTION OF MARCH 30, 1855.

On the same day that the census was completed, the governor issued his proclamation for an election to be held on the 30th of March, A. D. 1855, for members of the legislative assembly of the Territory. It prescribed the boundaries of districts, the places for polls, the names of judges, the apportionment of members, and recited the qualification of voters. If it had been observed, a just and fair election would have reflected the will of the people of the Territory. Before the election, false and inflammatory rumors were busily circulated among the people of western Missouri. The number and character of the emigration then passing into the Territory were grossly exaggerated and misrepresented. Through the active exertions of many of its leading citizens, aided by the secret society before referred to, the passions and prejudices of the people of that State were greatly excited. Several residents there have testified to the character of the reports circulated among and credited by the people. These efforts were successful. By an organized movement, which extended from Andrew county in the north, to Jasper county in the south, and as far eastward as Boone and Cole counties, Missouri, companies of men were arranged in irregular parties and sent into every council district in the Territory, and into every representative district but one. The numbers were so distributed as to control the election in each district. They went to vote, and with the avowed design to make Kansas a slave State. They were generally armed and equipped, carried with them their

own provisions and tents, and so marched into the Territory. The details of this invasion form the mass of the testimony taken by your committee, and is so voluminous that we can here state but the leading facts elicited.

FIRST DISTRICT.—*Lawrence.*

The company of persons who marched into this district was collected in Ray, Howard, Carroll, Boone, Lafayette, Randolph, Macon, Clay, Jackson, Saline, and Cass counties, in the State of Missouri. Their expenses were paid; those who could not come, contributing provisions, wagons, &c.(1) Provisions were deposited for those who were expected to come to Lawrence, in the house of William Lykins, and were distributed among the Missourians after they arrived there.(2) The evening before, and the morning of the day of election, about 1,000 men from the above counties arrived at Lawrence, and camped in a ravine a short distance from town, near the place of voting. They came in wagons (of which there were over 100) and on horseback, under the command of Col. Samuel Young, of Boone county, Missouri, and Claiborne F. Jackson, of Missouri. They were armed with guns, rifles, pistols, and bowie-knives; and had tents, music, and flags with them.(3) They brought with them two pieces of artillery,(4) loaded with musket-balls.(5) On their way to Lawrence some of them met Mr. N. B. Blanton, who had been appointed one of the judges of election by Gov. Reeder, and, after learning from him that he considered it his duty to demand an oath from them as to their place of residence, first attempted to bribe him, and then threatened him with hanging, in order to induce him to dispense with that oath. In consequence of these threats he did not appear at the polls the next morning to act as judge.(6)

The evening before the election, while in camp, the Missourians were called together at the tent of Captain Claiborne F. Jackson, and speeches were made to them by Col. Young and others, calling for volunteers to go to other districts where there were not Missourians enough to control the election, as there were more at Lawrence than were needed there.(7) Many volunteered to go, and on the morning of the election several companies, from 150 to 200 each, went off to Tecumseh, Hickory Point, Bloomington, and other places.(8) On the morning of the election the Missourians came over to the place of voting from their camp, in bodies of 100 at a time.(9) Mr. Blanton

(1) F. P. Vaughan, Jourdan Davidson.

(2) Wm. Yates, C. W. Babcock, Dr. John Doy.

(3) E. D. Ladd, Norman Allen, William Yates, Wm. B. Hornsby, G. W. Deitzler, C. W. Babcock, Lyman Allen, S. N. Wood, E. Chapman, Robert Elliot, N. B. Blanton, Jourdan Davidson, Wm. Lyon, J. B. Abbot, J. W. Ackley, Dr. John Doy, A. B. Wade, John M. Banks, H. W. Buckley.

(4) E. Chapman, Jourdan Davidson.

(5) E. Chapman.

(6) N. B. Blanton.

(7) Norman Allen, J. Davidson.

(8) N. Allen, Wm. Gates, W. B. Hornsby, C. W. Babcock, S. N. Wood, J. Davidson.

▲ B. Wade.

(9) E. D. Ladd.

not appearing, another judge was appointed in his place; Col. Young claiming that, as the people of the Territory had two judges, it was nothing more than right that the Missourians should have the other one to look after their interests;(10) and Robert A. Cummins was elected in Blanton's stead, because he considered that every man had a right to vote if he had been in the Territory but an hour.(11)

The Missourians brought their tickets with them;(12) but not having enough, they had 300 more printed in Lawrence on the evening before and on the day of election.(13) They had white ribbons in their button-holes to distinguish themselves from the settlers.

When the voting commenced, the question of the legality of the vote of a Mr. Page was raised. Before it was decided, Col. Samuel Young stepped up to the window where the votes were received, and said he would settle the matter. The vote of Mr. Page was withdrawn, and Col. Young offered to vote. He refused to take the oath prescribed by the governor, but swore he was a resident of the Territory; upon which his vote was received.(15) He told Mr. Abbot, one of the judges, when asked if he intended to make Kansas his future home, that it was none of his business; that if he were a resident then, he should ask no more.(16) After his vote was received, Col. Young got up on the window-sill, and announced to the crowd that he had been permitted to vote, and they could all come up and vote.(17) He told the judges that there was no use in swearing the others, as they would all swear as he had done.(18) After the other judges had concluded to receive Col. Young's vote, Mr. Abbot resigned as judge of election, and Mr. Benjamin was elected in his place.(19)

The polls were so much crowded until late in the evening, that for a time when the men had voted they were obliged to get out by being hoisted up on the roof of the building where the election was being held, and pass out over the house.(20) Afterwards, a passage-way through the crowd was made by two lines of men being formed, through which the voters could get up to the polls.(21) Col. Young asked that the old men be allowed to go up first and vote, as they were tired with the travelling, and wanted to get back to camp.(22)

The Missourians sometimes came up to the polls in procession, two by two, and voted.(23)

During the day the Missourians drove off the ground some of the

(10) S. N. Wood.

(11) R. A. Cummins, Norman Allen, S. N. Wood, C. S. Pratt, J. B. Abbot.

(12) C. W. Babcock, Robert Elliot.

(13) Robert Elliot.

(14) G. W. Deitzler.

(15) E. D. Ladd, Norman Allen, S. W. Ward, C. S. Pratt, J. B. Abbot.

(16) Norman Allen, J. B. Abbot.

(17) E. D. Ladd, Norman Allen, S. N. Wood, C. S. Pratt, J. B. Abbot.

(18) C. W. Babcock, J. B. Abbot.

(19) C. W. Babcock, S. N. Wood, C. S. Pratt, J. B. Abbot.

(20) E. D. Ladd, Norman Allen, C. W. Babcock, Lyman Allen, J. M. Banks.

(21) E. D. Ladd, Norman Allen, Lyman Allen.

(22) Lyman Allen, E. D. Ladd.

(23) E. D. Ladd, Ira W. Ackley.

citizens—Mr. Stearns, Mr. Bond, and Mr. Willis.(24) They threatened to shoot Mr. Bond, and a crowd rushed after him, threatening him; and, as he ran from them, some shots were fired at him as he jumped off the bank of the river and made his escape.(25) The citizens of the town went over in a body late in the afternoon, when the polls had become comparatively clear, and voted.(26)

Before the voting had commenced, the Missourians said if the judges appointed by the governor did not receive their votes they would choose other judges.(27) Some of them voted several times, changing their hats or coats and coming up to the window again.(28) They said they intended to vote first, and after they had got through the others could vote.(29) Some of them claimed a right to vote under the organic act, from the fact that their mere presence in the Territory constituted them residents, though they were from Missouri, and had homes in Missouri.(30) Others said they had a right to vote because Kansas belonged to Missouri, and people from the East had no right to settle in the Territory and vote there.(31)

They said they came to the Territory to elect a legislature to suit themselves, as the people of the Territory and persons from the East and the North wanted to elect a legislature that would not suit them.(32) They said they had a right to make Kansas a slave State, because the people of the North had sent persons out to make it a free State.(33) Some claimed that they had heard that the Emigrant Aid Society had sent men out to be at the election, and they came to offset their votes; but the most of them made no such claim. Col. Young said he wanted the citizens to vote, in order to give the election some show of fairness.(34)

The Missourians said there would be no difficulty if the citizens did not interfere with their voting; but they were determined to vote peaceably, if they could, but vote any how.(35) They said each one of them was prepared for eight rounds without loading, and would go to the ninth round with the butcher-knife.(36) Some of them said that by voting in the Territory they would deprive themselves of the right to vote in Missouri for twelve months afterwards.(37)

The Missourians began to leave the afternoon of the day of election, though some did not go home until the next morning.(38) In many

(24) E. D. Ladd, C. W. Babcock, Lyman Allen, S. N. Wood, N. B. Blanton, John Doy, J. Davidson, Charles Robinson.

(25) E. D. Ladd, C. W. Babcock, Lyman Allen, S. N. Wood, N. B. Blanton, J. Davidson, Dr. John Doy.

(26) E. D. Ladd, C. Robinson, A. B. Wade, J. Whitlock, J. M. Banks, H. W. Buckley.

(27) G. W. Deitzler.

(28) S. N. Wood, Ira W. Ackley.

(29) J. Davidson.

(30) E. D. Ladd, Norman Allen, Lyman Allen.

(31) W. B. Hornsby, C. W. Babcock, C. Robinson.

(32) William Yates, Thomas Hopkins, Ira W. Ackley.

(33) Lyman Allen, J. Davidson.

(34) Norman Allen.

(35) Norman Allen, Lyman Allen, C. W. Babcock, S. N. Wood, E. Chapman, Thomas Hopkins.

(36) Jourdan Davidson.

(37) J. B. Abbot.

(38) E. D. Ladd, Norman Allen, William Yates, W. B. Hornsby, G. W. Deitzler, C. W. Babcock, C. Robinson, E. Chapman, Lyman Allen, Jourdan Davidson.

cases, when a wagon-load voted they immediately started for home. (39) On their way home they said that if Governor Reeder did not sanction the election they would hang him. (40)

The citizens of the town of Lawrence, as a general thing, were not armed on the day of election, though some had revolvers, but not exposed as were the arms of the Missourians. (41) They kept a guard about the town the night after the election, in consequence of the threats of the Missourians, in order to protect it. (42)

The pro-slavery men of the district attended the nominating conventions of the free-State men, and voted for, and secured the nominations of, the men they considered the most obnoxious to the free-State party, in order to cause dissension in that party. (43)

Quite a number of settlers came into the district before the day of election, and after the census was taken. (44) According to the census returns, there were then in the district 369 legal voters. Of those whose names are on the census returns, 177 are to be found on the poll-books of the 30th of March, 1855. Messrs. Ladd, Babcock, and Pratt testify to fifty-five names on the poll-books of persons they knew to have settled in the district after the census was taken, and before the election. A number of persons came into the Territory in March before the election, from the northern and eastern States, intending to settle, who were in Lawrence on the day of election. At that time many of them had selected no claims, and had no fixed place of residence. Such were not entitled to vote. Many of them became dissatisfied with the country. Others were disappointed at its political condition, and in the price and demand for labor, and returned. Whether any such voted at the election, is not clearly shown: but from the proof, it is probable that in the latter part of the day, after the great body of Missourians had voted, some did go to the polls. The number was not over fifty. These voted the free-State ticket. The whole number of names appearing upon the poll-lists is 1,034. After full examination, we are satisfied that not over 232 of these were legal voters, and 802 were non-residents and illegal voters. This district is strongly in favor of making Kansas a free State, and there is no doubt that the free-State candidates for the legislature would have been elected by large majorities if none but the actual settlers had voted. At the preceding election, in November, 1854, where none but legal votes were polled, General Whitfield, who received the full strength of the pro-slavery party, (45) got but forty-six votes.

SECOND DISTRICT.—*Bloomington.*

On the morning of election the judges appointed by the governor appeared and opened the polls. Their names were Harrison Burson,

(39) S. N. Wood.

(40) Ganis Jenkins.

(41) E. D. Ladd.

(42) E. D. Ladd.

(43) A. B. Wade.

(44) E. D. Ladd, Norman Allen, C. W. Babcock, Charles Robinson, Lyman Allen, J. M. Brooks.

(45) James Whitlock.

Nathaniel Ramsay, and Mr. Ellison. The Missourians began to come in early in the morning, some 500 or 600 of them in wagons and carriages, and on horseback, under the lead of Samuel J. Jones, then postmaster of Westport, Missouri; Claiborne F. Jackson and Mr. Steeley, of Independence, Missouri. They were armed with double-barreled guns, rifles, bowie-knives, and pistols, and had flags hoisted.(1) They held a sort of an informal election off at one side, at first for governor of Kansas Territory, and shortly afterwards announced Thomas Johnson, of Shawnee Mission, elected governor.(2) The polls had been opened but a short time, when Mr. Jones marched with the crowd up to the window and demanded that they should be allowed to vote, without swearing as to their residence.(3) After some noisy and threatening talk, Claiborne F. Jackson addressed the crowd, saying they had come there to vote; that they had a right to vote if they had been there but five minutes, and he was not willing to go home without voting; which was received with cheers.(4) Jackson then called upon them to form into little bands of 15 or 20, which they did,(5) and went to an ox wagon filled with guns, which were distributed among them,(6) and proceeded to load some of them on the ground.(7)

In pursuance of Jackson's request, they tied white tape or ribbons in their button-holes, so as to distinguish them from the "abolitionists." (8) They again demanded that the judges should resign; and upon their refusing to do so, smashed in the window, sash and all, and presented their pistols and guns to them, threatening to shoot them.(9) Some one on the outside cried out to them not to shoot, as there were pro-slavery men in the house with the judges.(10) They then put a pry under the corner of the house, which was a log-house, and lifted it up a few inches and let it fall again,(11) but desisted upon being told there were pro-slavery men in the house. During this time the crowd repeatedly demanded to be allowed to vote without being sworn, and Mr. Ellison, one of the judges, expressed himself willing, but the other two judges refused;(12) thereupon a body of men, headed by sheriff Jones, rushed into the judge's room with cocked pistols and drawn bowie-knives in their hands, and approached Burson and Ramsay.(13) Jones pulled out his watch and said he would give them five minutes to resign in, or die.(14) When the five minutes had expired and the judges did not resign, Jones said he

(1) H. Burson, N. Ramsay, James M. Dunn, Andrew White, Dr. E. G. Macey, H. Muzzy, Wm. Jessee, John A. Wakefield.

(2) E. G. Macey.

(3) H. Burson, N. Ramsay, J. M. Dunn, A. White, E. G. Macey, H. Muzzy, Wm. Jessee, John A. Wakefield.

(4) J. M. Dunn, A. White, E. G. Macey, J. A. Wakefield.

(5) E. G. Macey, J. A. Wakefield.

(6) J. M. Dunn, J. C. Dunn, A. White.

(7) E. G. Macey.

(8) J. M. Dunn, J. N. Mace, A. White, E. G. Macey, J. A. Wakefield

(9) H. Burson, N. Ramsay.

(10) J. C. Dunn.

(11) H. Burson, N. Ramsay, J. N. Mace, J. C. Dunn, A. White, E. G. Macey, H. Muzzy, S. Jones, J. A. Wakefield.

(12) J. C. Dunn.

(13) Harrison Burson, N. Ramsay.

(14) H. Burson, N. Ramsay, J. C. Dunn, H. Muzzy, Wm. Jessee.

would give them another minute and no more.(15) Ellison told his associates that if they did not resign there would be one hundred shots fired in the room in less than fifteen minutes,(16) and then snatching up the ballot-box ran out into the crowd, holding up the ballot-box and hurrahing for Missouri.(17) About that time Burson and Ramsay were called out by their friends, and not suffered to return.(18) As Mr. Burson went out he put the ballot poll-books in his pocket and took them with him,(19) and as he was going out Jones snatched some papers away from him,(20) and shortly afterwards came out himself, holding them up, crying, "Hurrah for Missouri!"(21) After he discovered they were not the poll-books, he took a party of men with him and started off to take the poll-pooks from Burson.(22) When Mr. Burson saw them coming, he gave the books to Mr. Umberger and told him to start off in another direction, so as to mislead Jones and his party.(23) Jones and his party caught Mr. Umberger, took the poll-books away from him, and Jones took him up behind him on a horse and carried him back a prisoner.(24) After Jones and his party had taken Umberger back, they went to the house of Mr. Ramsay and took Judge John A. Wakefield prisoner, and carried him to the place of election,(25) and made him get up on a wagon and there make a speech; after which they put a white ribbon in his button-hole and let him go.(26) They then chose two new judges and proceeded with the election.(27) They also threatened to kill the judges if they did not receive their votes without swearing them, or else resign.(28) They said no man should vote who would submit to be sworn; that they would kill any man who would offer to do so. "Shoot him;" "Cut his guts out," &c.(29) They said no man should vote this day unless he voted an open ticket, and was all right on the goose;(30) and that if they could not vote by fair means, they would by foul means.(31) They said they had as much right to vote if they had been in the Territory two minutes as if they had been there two years, and they would vote.(32) Some of the citizens who were about the window, but had not voted when the crowd of Missourians marched up there, upon attempting to vote were driven back

(15) H. Burson, N. Ramsay, H. Muzzy.

(16) H. Burson, N. Ramsay, J. W. Mace, H. Muzzy, W. Jessee, S. Jones, J. A. Wakefield.

(17) H. Burson, J. C. Dunn.

(18) H. Burson, N. Ramsay, J. C. Dunn, A. White, H. Muzzy, Wm. Jessee.

(19) H. Burson, J. C. Dunn.

(20) H. Burson.

(21) H. Burson, J. M. Dunn, E. G. Macey, Wm. Jessee.

(22) H. Burson, N. Ramsay.

(23) H. Burson, A. White, G. W. Umberger, Wm. Jessee.

(24) H. Burson, N. Ramsay, A. White, E. G. Macey, G. W. Umberger, Wm. Jessee, J. A. Wakefield.

(25) N. Ramsay, J. M. Dunn, A. White, E. G. Macey, G. W. Umberger, Wm. Jessee, J. A. Wakefield.

(26) E. G. Macey, G. W. Umberger, J. A. Wakefield.

(27) T. Lahy.

(28) J. C. Dunn, Wm. Jessee, S. Jones.

(29) H. Burson, N. Ramsay, J. M. Dunn, J. N. Mace, A. White, E. G. Macey, W. Jessee.

(30) N. Ramsay.

(31) H. Burson, N. Ramsay, J. M. Dunn.

(32) J. M. Dunn.

by the mob, or driven off.(33) One of them, Mr. I. M. Mace, was asked if he would take the oath; and upon his replying that he would if the judges required it, he was dragged through the crowd away from the polls, amid cries of "kill the damned nigger-thief," "cut his throat," "tear his heart out," &c. After they got him to the outside of the crowd, they stood around him with cocked revolvers and drawn bowie-knives; one man putting a knife to his breast so that it touched him; another holding a cocked pistol to his ear, while another struck at him with a club.(34)

The Missourians said they had a right to vote, if they had been in the Territory but five minutes.(35) Some said they had been hired to come there and vote, and got a dollar a day, and by God they would vote or die there.(36.)

They said the 30th day of March was an important day, as Kansas would be made a slave State on that day.(37) They began to leave in the direction of Missouri in the afternoon, after they had voted,(38) leaving some thirty or forty around the house where the election was held, to guard the polls till after the election was over.(39) The citizens of the Territory were not armed, except those who took part in the mob,(40) and a large portion of them did not vote.(41) Three hundred and forty-one votes were polled there that day, of which but some thirty were citizens.(42) A protest against the election was got up and sent to the governor.(43) The returns of the election made to the governor were lost by the committee of elections of the legislature at Pawnee.(44)

The duplicate returns left in the ballot-box were taken by F. E. Lahy, one of the judges elected by the Missourians, and were either lost or destroyed in his house,(45) so that your committee have been unable to institute a comparison between the poll-lists and census returns of this district. The testimony is uniform, that not over thirty of those who voted there that day were entitled to vote, leaving 311 illegal votes. We are satisfied, from the testimony, that had the actual settlers alone voted, the free-State candidates would have been elected by a handsome majority.

THIRD DISTRICT.—*Tecumseh.*

On the 28th of March, persons from Clay, Jackson and Howard counties, Missouri, began to come into Tecumseh in wagons, carriages, and on horseback, armed with guns, bowie-knives and revolvers, and with tents, and camped close by the town, and continued coming in

(33) H. Burson, N. Ramsay, Wm. Jessee, I. N. Mace.

(34) I. N. Mace, H. Muzzy.

(35) J. M. Dunn, A. White, E. G. Macey, J. A. Wakefield.

(36) J. M. Dunn, J. C. Dunn, A. White.

(37) N. Ramsay.

(38) J. C. Dunn, A. White.

(39) A. White.

(40) H. Burson.

(41) H. Burson, I. N. Mace, H. Muzzy, Wm. Jessee, J. A. Wakefield.

(42) H. Burson.

(43) S. Jones, J. A. Wakefield.

(44) Daniel Woodson.

(45) F. E. Lahy.

and camping until the day of election.(1) The night before the election, 200 men were sent for from the camp of the Missourians at Lawrence.(2) On the morning of the election, before the polls were opened, some 300 or 400 Missourians and others collected in the yard about the house of Thomas Stinson, where the election was to be held, armed with bowie-knives, revolvers, and clubs.(3) They said they came to vote and whip the damned Yankees, and would vote without being sworn.(4) Some said they came to have a fight, and wanted one.(5)

Colonel Samuel H. Woodson, of Independence, Missouri, was in the room of the judges when they arrived, preparing poll-books and tally-lists, and remained there during the attempts to organize.(6) The room of the judges was also filled by many of these strangers.(7) The judges could not agree concerning the oath to be taken by themselves, and the oath to be administered by the voters; Mr. Burgess desiring to administer the oath prescribed by the governor, and the other two judges opposing it.(8) During the discussion between the judges, which lasted for some time, the crowd outside became excited and noisy, threatening and cursing Mr. Burgess, the free-State judge.(9) Persons were sent at different times by the crowd outside into the room where the judges were with threatening messages, especially against Mr. Burgess, and at last ten minutes were given them to organize in or leave; and, as the time passed, persons outside would call out the number of minutes left, with threats against Burgess if he did not agree to organize.(10) At the end of that time the judges, not being able to organize, left the room, and the crowd proceeded to elect new judges and carry on the election.(11)

The free-State men generally left the ground without voting, stating that there was no use in their voting there.(12) The polls were so crowded during the first part of the day that the citizens could not get up to the window to vote.(13) Threats were made against the free-State men.(14) In the afternoon the Rev. Mr. Gilpatrick was attacked and driven off by the mob.(15) A man, by some called "Texas," made a speech to the crowd, urging them to vote, and to remain on the ground until the polls were closed, for fear the "abolitionists" would come there in the afternoon and overpower them, and thus they would lose all their trouble.(16)

(1) W. A. M. Vaughan, M. J. Mitchell, John Long.

(2) H. B. Burgess.

(3) Rev. H. B. Burgess, Charles Jourdan, James Hickey, Lewis O. Wilmarth. D. H. Horne, J. M. Merriam, W. R. Boggs, W. A. M. Vaughan.

(4) John Long, L. O. Wilmarth, George Holmes.

(5) L. O. Wilmarth.

(6) Rev. H. B. Burgess, John Long, George Holmes.

(7) H. B. Burgess.

(8) H. B. Burgess, George Holmes.

(9) H. B. Burgess, John Long, D. H. Horne.

(10) H. B. Burgess, Charles Jourdan, D. H. Horne.

(11) H. B. Burgess, Charles Jourdan, J. M. Merriam, George Holmes.

(12) H. B. Burgess, C. Jourdan, J. M. Merriam.

(13) L. O. Wilmarth.

(14) C. Jourdan.

(15) John Long.

(16) Charles Jourdan, James Hickey, D. H. Horne.

For making an affidavit in a protest against this election, setting forth the facts, Mr. Burgess was indicted by the grand jury for perjury; which indictment was found more than fifteen months ago, and is still pending, Mr. Burgess never having been informed who his accuser was, or what was the testimony against him.(17)

A large majority, four to one, of the actual settlers of that district were free-State men,(18) and there cannot be the least doubt that if none but the actual settlers of the district had voted at that election the free-State candidates would have been elected. The number of legal voters in the district, according to the census returns, were 101. The total number of votes cast were 372, and of these but 32 are on the census returns; and, from the testimony and records, we are satisfied that not over forty legal votes were cast at that election.

FOURTH DISTRICT.

A body of armed Missourians came into the district previous to the election, and camped there.(1) Before the time arrived for opening the polls, the Missourians went to another than the house appointed for the election, and one of the judges appointed by the governor and two chosen by the Missourians proceeded to open the polls and carry on the election.(2) The Missourians said that none but pro-slavery men should vote, and threatened to shoot any free-State men who would come up to vote.(3) Mr. Mockbee, one of the judges elected by the Missourians, had a store near the boundary fixed by the proclamation of the governor, while he cultivated a farm in Missouri, where his family lived, (4) and while his legal residence is there, and is now.

The Missourians also held a side election for governor of the Territory, voting for Thomas Johnson, of Shawnee Mission.(5) The free-State men finding the polls under the control of non-residents, refused to vote and did not vote.(6) They constituted a decided majority of the actual settlers.(7) A protest, signed by a majority of the residents of the district, was sent to the governor.(8) The whole number of voters in this district, according to the census returns, were 47; the number of votes cast were 80, of whom but 15 were residents. The number of residents whose names are on the census rolls, who did not vote, were 32.

FIFTH DISTRICT.

For some days prior to the election, companies of men were organized in Jackson, Cass, and Clay counties, Missouri, for the purpose of

(17) H. B. Burgess.

(18) H. B. Burgess.

(1) Perry Fuller, Peter Bassinger.

(2) Perry Fuller, Wm. Moore, J. F. Javens.

(3) J. F. Javens.

(4) William Moore, J. F. Javens, Thomas Mockbee.

(5) Perry Fuller, William Moore.

(6) J. F. Javens, Thomas Mockbee.

(7) Perry Fuller, W. Moore, J. F. Javens.

(8) Perry Fuller, J. F. Javens.

coming to the Territory and voting in the fifth district.(1) The day previous to the election, some 400 or 500 Missourians, armed with guns, pistols, and knives, came into the Territory and camped at Bull creek, and on the Pottawatomie creek.(2)

On the evening before the election, Judge Hamilton, of the Cass county court, Missouri, came from the Pottawatomie Creek camp to Bull Creek camp for 60 more Missourians, as they had not enough there to render the election certain, and they went down there with him.(3)

On the evening before the election, Dr. B. C. Westfall was selected to act as one of the judges of election in the Bull Creek precinct, in place of one of the judges appointed by the governor, who, it was said, would not be there the next day.(4) Dr. Westfall was at that time a citizen of Jackson county, Missouri.(5) On the morning of the election the polls for Bull Creek precinct were opened, and, without swearing the judges, they proceeded to receive the votes of all who offered to vote. For the sake of appearances, the judges would get some one to come to the window and offer to vote, and when asked to be sworn he would pretend to get angry at the judges, and would go away, and his name would be put down as having offered to vote, but "rejected, refusing to be sworn." This arrangement was made previously, and was perfectly understood by the judges.(6) But few of the residents of the district were present at the election, and only 13 voted.(7) The number of votes cast in the precinct was 393. One Missourian voted for himself, and then voted for his little son but 10 or 11 years old.(8) Colonel Coffee, Henry Younger, and Mr. Lykins, who were voted for and elected to the legislature, were residents of Missouri at that time.(9)

After the polls were closed the returns were made out, and a man claiming to be a magistrate certified on them that he had sworn the judges of election before opening the polls.(10)

In the Pottawatomie precinct the Missourians attended the election, and after threatening Mr. Chestnut, the only judge present appointed by the governor, to induce him to resign, they proceeded to elect two other judges, one a Missourian and the other a resident of another precinct of that district. The polls were then opened, and all the Missourians were allowed to vote without being sworn. After the polls were closed, and the returns made out for the signatures of the judges, Mr. Chestnut refused to sign them, as he did not consider them correct returns of legal voters. Colonel Coffee, a resident of Missouri, but elected to the Kansas legislature from that district at that election, endeavored, with others, to induce Mr. Chestnut by threats to sign the

(1) Dr. B. C. Westfall, Joseph M. Gearhart.

(2) Dr. B. C. Westfall, Jesse W. Wilson, J. M. Gearhart.

(3) Dr. B. C. Westfall.

(4) Dr. B. C. Westfall.

(5) Dr. B. C. Westfall, J. W. Wilson.

(6) Dr. B. C. Westfall.

(7) J. W. Wilson.

(8) Dr. B. C. Westfall.

(9) Dr. B. C. Westfall, J. M. Gearhart.

(10) Dr. B. C. Westfall.

return, which he refused to do, and left the house. On his way home he was fired at by some Missourians, though not injured.(11) There were three illegal to one legal vote given there that day.(12)

At the Big Sugar precinct, the judges appointed by the governor met at the time appointed, and proceeded to open the polls, after being duly sworn. After a few votes had been received, a party of Missourians came into the yard of the house where the election was held, and unloading a wagon filled with arms, stacked their guns in the yard, and came up to the window and demanded to be allowed to vote. Two of the judges decided to receive their votes; whereupon the third judge, Mr. J. M. Arthur, resigned, and another was chosen in his place. Col. Young, a citizen of Missouri, but a candidate for and elected to the Territorial council, was present, and voted in this precinct. He claimed that all Missourians who were present on the day of election were entitled to vote. But 30 or 40 of the citizens of the precinct were present, and many of them did not vote.(13)

At the Little Sugar precinct the election seemed to have been conducted fairly, and there a free-State majority was polled.(14) From the testimony the whole district appears to have been largely free-State; and had none but actual settlers voted, the free-State candidates would have been elected by a large majority.

From a careful examination of the testimony and the records, we find that from 200 to 225 legal votes were polled out of 885—the total number given in the four precincts of that district. Of the legal votes cast the free-State candidates received 152.

SIXTH DISTRICT.—*Fort Scott.*

A company of citizens of Missouri, mostly of Bates county, came into this district the day before the election, some camping, and others putting up at the public house.(1) They numbered from 100 to 200,(2) and came in wagons and on horseback, carrying their provisions and tents with them, and were generally, armed with pistols. They declared their purpose to vote, and claimed the right to do so. They went to the polls, generally, in small bodies, with tickets in their hands, and many, if not all, voted. In some places they declared they had voted, and gave their reasons for so doing. Mr. Anderson, a pro-slavery candidate for the legislature, endeavored to dissuade the non-residents from voting, because he did not wish the election contested.(3) This person, however, insisted upon voting, and upon his right to vote, and did so. No one was challenged or sworn, and all voted who desired to. Out of 350 votes cast not over 100 were legal, and but 64 of these are found in the census taken one month before by Mr. Barber, the candidate for council. Many of the free-State men did not vote; but your committee are satisfied that of the

(11) Wm. Chestnut.

(12) Wm. Chestnut.

(13) James McArthur.

(14) S. W. Bouten.

(1) John Hamilton.

(2) John Hamilton, E. B. Cook, F. B. Arnett.

(3) Joseph C. Anderson.

legal votes cast the pro-slavery candidates received a majority. Mr. Anderson, one of these candidates, was an unmarried man, who came into the district from Missouri a few days before the election, and boarded at the public house until the day after the election. He then took with him the poll-lists, and did not return to Fort Scott until the occasion of a barbacue, the week before the election of October 1, 1855. He voted at that election, and after it left, and has not since been in the district. S. A. Williams, the other pro-slavery candidate, at the time of the election had a claim in the Territory, but his legal residence was not there until after the election.

SEVENTH DISTRICT.

From 200 to 300 men from the State of Missouri came, in wagons or on horseback, to the election ground at Switzer's creek, in the second district, and encamped near the polls, on the day preceding the election. They were armed with pistols and other weapons, and declared their purpose to vote, in order to secure the election of pro-slavery members. They said they were disappointed in not finding more Yankees there, and that they had brought more men than were necessary to counterbalance their vote. A number of them wore badges of blue ribbon, with a motto, and the company were under the direction of leaders. They declared their intention to conduct themselves peacefully, unless the residents of the Territory attempted to stop them from voting. Two of the judges of election appointed by Governor Reeder refused to serve, whereupon two others were appointed in their stead by the crowd of Missourians who surrounded the polls. The newly appointed judges refused to take the oath prescribed by Governor Reeder, but made one to suit themselves. Andrew Johnson requested the voters to swear if he had a claim in the Territory, and if he had voted in another district. The judges did not take the oath prescribed, but were sworn to receive all legal votes. The Missourians voted without being sworn; they supported H. J. Stickler for council and M. W. McGee for representative; they left the evening of election; some of them started on horseback for Lawrence, as they said they could be there before night, and all returned the way they came. The census list shows 53 legal voters in the district. 253 votes were cast; of these 25 were residents, 17 of whom were in the district when the census was taken.(1) Some of the residents present at the polls did not vote, declaring it useless. Candidates declined to run on the free-State ticket, because they were unwilling to run the risk of so unequal a contest, it being known that a great many are coming up from Missouri to vote.(2) Nearly all the settlers were free-State men, and 23 of the 25 legal votes given were cast for the only free-State candidate running. Mobillon McGee, who was declared elected representative, had a claim—a saw-mill and a house—in the Territory, and he was there part of the time. But his legal residence is now and was then near Westport, in Missouri, where he owns and conducts a valuable farm, and where his family resides.

(1) James A. Stewart, M. H. Rose.

(2) W. F. Johnson.

EIGHTH DISTRICT.

This was attached to the seventh district for a member of the council and a representative, and its vote was controlled by the illegal votes cast there. The census shows 39 votes in it; 37 votes were cast, of whom a majority voted the free-State ticket.

NINTH DISTRICT.

Fort Riley and Pawnee are in this district. The latter place was selected by the governor as the temporary capital, and he designed there to expend the sums appropriated by Congress in the construction of suitable houses for the legislature. A good deal of building was then being done at the fort near by. For these reasons a number of mechanics, mostly from Pennsylvania, came into the district in March, 1855, to seek employment. Some of these voted at the election. The construction of the capital was first postponed, then abandoned, and finally the site of the town was declared by the Secretary of War to be within the military reservation of Fort Riley. Some of the inhabitants returned to the States, and some went to other points of the Territory. Your committee find that they came as settlers, intending to remain as such, and were entitled to vote.(1.)

TENTH DISTRICT.

In this district ten persons belonging to the Wyandott tribe of Indians voted. They were of that class who under the law were entitled to vote, but their residence was in Wyandott village, at the mouth of the Kansas river, and they had no right to vote in this district. They voted the pro-slavery ticket.(2.) Eleven men, recently from Pennsylvania, voted the free-State ticket. From the testimony, they had not, at the time of the election, so established their residence as to have entitled them to vote.(3.) In both these classes of cases the judges examined the voters under oath, and allowed them to vote, and in all respects the election seems to have been conducted friendly. The rejection of both would not have changed the result. This and the eighth election district formed one representative district, and was the only one to which the invasion from Missouri did not extend.

ELEVENTH DISTRICT.

The 9th, 10th, 11th, and 12th election districts being all separately settled, were attached together in a council district, and the 11th and 12th as representative districts. This election district is sixty miles north from Pawnee, and one hundred and fifty miles from Kansas City. It is the northwest settlement in the Territory, and contained, when the census was taken, but thirty-six inhabitants, of whom twenty-four were voters. There was on the day of election no white set-

(1) Andrew McConnell, R. W. Wilson, A. H. Reeder.

(2) M. A. Garrett, Joseph Stewart.

(3) M. J. Osborne, Isaac S. Hascall.

tlement about Marysville, the place of voting, for forty miles, except that Marshall & Bishop kept a store and ferry at the crossing of the Big Blue and the California road.(4) Your committee were unable to procure witnesses from this district. Persons who were present at the election were duly summoned by an officer, and among them was F. J. Marshall, the member of the House from that district. On his return, the officer was arrested and detained, and persons bearing the names of some of the witnesses summoned were stopped near Leocompton, and did not appear before the committee. The returns show that, in defiance of the governor's proclamation, the voting was "*viva voce*" instead of by ballot. Three hundred and twenty-eight names appear upon the poll-books as voting, and, by comparing these names with those on the census-rolls, we find that but seven of the latter voted. The person voted for as representative (F. J. Marshall) was chief owner of the store at Marysville, and was there sometimes,(5) but his family lived in Weston, Mo. John Donaldson, the candidate voted for the council, then lived in Jackson county, Mo.(6)

On the day after the election Mr. Marshall, with twenty-five or thirty men from Weston, Mo., was on the way from Marysville to the State. Some of the party told a witness who had formerly resided at Weston, that they were up at Marysville, and carried the day for Missouri, and that they had voted about one hundred and fifty votes. Mr. Marshall paid the bill at that point for the party.

There does not appear to have been any emigration into that district in March, 1855, after the census was taken; and, judging from the best test in the power of your committee, there were but seven legal votes cast in the district, and three hundred and twenty-one illegal.

TWELFTH DISTRICT.

The election in this district was conducted fairly. No complaint was made that illegal votes were cast.

THIRTEENTH DISTRICT.

Previous to the day of election several hundred Missourians from Platte, Clay, Boone, Clinton, and Howard counties, came into the district in wagons and on horseback, and camped there.(1) They were armed with guns, revolvers, and bowie-knives, and had badges of hemp in their button-holes and elsewhere about their persons.(2) They claimed to have a right to vote from the fact that they were there on the ground, and had, or intended to make claims in the Territory, although their families were in Missouri.(3)

The judges appointed by the governor opened the polls, and some

(4.) Augustus Baker.

(5.) Augustus Baker.

(6.) T. E. D'Avis.

(1.) T. B. Ross, W. H. Godwin, Dr. James Noble, T. A. Minard, Charles Hardh.

(2.) T. B. Ross, W. H. Godwin.

(3.) T. B. Ross, Dr. J. Noble.

persons offered to vote; and when their votes were rejected on the ground that they were not residents of the district, the crowd threatened to tear the house down if the judges did not leave.(4)

The judges then withdrew, taking the poll-books with them.(5) The crowd then proceeded to select other persons to act as judges, and the election went on.(6) Those persons voting who were sworn were asked if they considered themselves residents of the district, and if they said they did they were allowed to vote.(7) But few of the residents were present and voted,(8) and the free-State men, as a general thing, did not vote.(9) After the Missourians got through voting, they returned home.(10)

A formal return was made by the judges of election, setting out the fact, but it was not verified. The number of legal voters in this district was ninety-six, of whom a majority were free-State men; of the legal voters 12 voted. The total number of votes cast was 239.

FOURTEENTH DISTRICT.

It was generally rumored in the district for some days before the election that the Missourians were coming over to vote.(1) Previous to the election, men from Missouri came into the district and electioneered for the pro-slavery candidates,(2) General David R. Atchison and a party controlling the nominations in one of the primary elections.(3)

Burr Oak precinct.—Several hundred Missourians from Buchanan, Platte, and Andrew counties, Missouri, including a great many of the prominent citizens of St. Joseph's, came into this precinct the day before and on the day of election in wagons and on horses, and camped there.(4) Arrangements were made for them to cross the ferry at St. Joseph's free of expense to themselves.(5) They were armed with bowie-knives and pistols, guns and rifles.(6) On the morning of the election the free-State candidates resigned in a body on account of the presence of the large number of armed Missourians, at which the crowd cheered and hurrahed.(7) General B. F. Stringfellow was present and was prominent in promoting the election of the pro-slavery ticket, as was also the Hon. Willard P. Hall and

(4.) T. B. Ross, Charles Hardh, N. B. Sharp.

(5.) T. B. Ross, C. Hardh.

(6.) T. B. Ross, W. H. Godwin, Dr. J. Noble, R. Chandler, T. A. Minard, C. Hardh, G. M. Dyer, O. B. Tebbs.

(7.) R. Chandler.

(8.) T. B. Ross, Dr. J. Noble.

(9.) T. B. Ross, Dr. J. Noble, R. Chandler, C. Hardh, O. B. Tebbs.

(10.) T. B. Ross, Dr. J. Noble.

(1) Benj. Harding, John H. Whitehead, Alfred Larzelier.

(2) Benj. Harding, Willard P. Hall, Dr. G. A. Cutler.

(3) Dr. G. A. Cutler.

(4) A. A. Jamieson, W. P. Richardson, Benj. Harding, J. H. Whitehead, J. R. Carter, A. Larzelier, Willard P. Hall, B. H. Brock, C. W. Stewart, A. M. Mitchell, H. S. Croel, G. W. Gillespie.

(5) L. Dillon, G. W. Gillespie.

(6) A. A. Jamieson, Willard P. Hall, C. W. Stewart.

(7) A. A. Jamieson, W. P. Richardson, Benj. Harding, J. H. Whitehead, A. Larzelier, W. P. Hall, T. P. Blair.

others of the most prominent citizens of St. Joseph's, Missouri.(8) But one of the judges of election appointed by the governor served on that day, and the crowd chose two others to supply the vacancies.(9) The Missourians said they came there to vote for and carry the election for Major W. P. Richardson.(10) Major Richardson, elected to the council, had had a farm in Missouri, where his wife and daughter lived with his son-in-law, Willard P. Hall, he himself generally going home to Missouri every Saturday night. The farm was generally known as the Richardson farm. He had a claim in the Territory upon which was a saw-mill, and where he generally remained during the week.(11.) Some of the Missourians gave as their reason for voting that they had heard that eastern emigrants were to be at that election,(12) though no eastern emigrants were there.(13) Others said they were going to vote for the purpose of making Kansas a slave State.(14) Some claimed that they had a right to vote under the provisions of the Kansas-Nebraska bill, from the fact that they were present on the ground on the day of election.(15) The free-State men generally did not vote,(16) and those who did vote, voted generally for John H. Whitehead, pro-slavery, for council, against Major W. P. Richardson, and did not vote at all for members of the border town.(17) The parties were pretty nearly equally divided in the district, some being of opinion that the free-State party had a small majority,(18) and others that the pro-slavery party had a small majority.(18) After the election was over and the polls were closed, the Missourians returned home. During the day they had provisions and liquor served out free of expense to all.(19)

Doniphan precinct.—The evening before the election some 200 or more Missourians from Platte, Buchanan, Saline, and Clay counties, Missouri, came into this precinct, with tents, music, wagons, and provisions, and armed with guns, rifles, pistols, and bowie-knives, and camped about two miles from the place of voting.(20) They said they came to vote, to make Kansas a slave State, and intended to return to Missouri after they had voted.(21) On the morning of the election the judges appointed by the governor would not serve, and others were chosen by the crowd.(22)

The Missourians were allowed to vote without being sworn,(23)

(8) A. A. Jamieson, W. P. Richardson, J. H. Whitehead, W. P. Hall.

(9) A. A. Jamieson, Benj. Harding, J. H. Whitehead, A. Larzelier, O. Hulan.

(10) A. A. Jamieson, W. P. Hall.

(11) A. A. Jamieson, W. P. Richardson, W. P. Hall.

(12) W. P. Richardson, J. H. Whitehead, J. R. Carter, W. P. Hall, A. M. Mitchell, H. S. Creel.

(13) B. Harding, J. H. Whitehead, J. R. Carter, W. P. Hall.

(14) W. P. Hall, H. S. Creel.

(15) B. H. Brock, C. W. Stewart, H. S. Creel.

(16) A. A. Jamieson, W. P. Richardson, J. H. Whitehead, A. Larzelier, C. W. S. Creel

(17) W. P. Richardson, C. B. Whitehead.

(18) A. A. Jamieson, B. Harding, A. Larzelier, C. W. Stewart.

(19) W. P. Richardson, J. H. Whitehead, W. P. Hall, Thomas W. Waterston, J. P. Blair.

(20) W. P. Richardson, G. W. Gillespie.

(21) Richard Tuck, Eli Hamilton, John Landis, Luther Dickerson, J. W. Beattie, David Fizer.

(22) R. Tuck, L. Dickerson, J. W. Beattie.

(23) R. Tuck, E. Hamilton, J. Landis.

(24) R. Tuck, E. Hamilton, David Fizer.

some of them voting as many as eight or nine times; changing their hats and coats, and giving in different names each time (24) After they had voted, they returned to Missouri. (25) The free-State men generally did not vote, (26) though constituting a majority in the precinct. (27) Upon counting the ballots in the box, and the names on the poll-lists, it was found that there were too many ballots, (27) and one of the judges of election took out ballots enough to make the two members correspond. (28)

Wolf River precinct.—But few Missourians were present in this precinct, though some of them threatened one of the judges because he refused to receive their votes; and when he resigned another was chosen in his place, who consented to receive their votes. (29)

Protests were drawn up against the elections in the various precincts in the 14th district, but on account of threats that greater numbers of Missourians would be at a new election, should it be called, and of personal violence to those who should take part in the protest, it was not presented to the governor; (30) Major Richardson, the pro-slavery candidate for council, threatening Dr. Cutler, the free-State candidate, that if he contested the election he and his office should be put in the Missouri river. (31) The number of voters in this district by the census was 334; of these 124 voted. The testimony shows that quite a number of persons whose legal residence was in the popular county of Buchanan, Missouri, on the opposite side of the river, had claims in the Territory. Some ranged cattle, and others marked out their claim and built a cabin, and sold this incipient title when they could. They were not residents of the Territory in any just or legal sense. A number of settlers removed into the district in the month of March. Your committee are satisfied, after a careful analysis of the records and testimony, that the number of legal votes cast did not exceed 200 out of 727.

FIFTEENTH DISTRICT.

The election in this district was held at the house of Mr. Hayes. On the day of election a crowd of from 400 to 500 men (1) collected around the polls, of which the great body were citizens of Missouri.

One of the judges of election in his testimony (2) states that the strangers commenced crowding around the polls, and that then the residents left. Threats were made before and during the election day that there should be no free-State candidates, although there were nearly or quite as many free-State as pro-slavery men resident in the district; most of the crowd were drinking and carousing, cursing the abolitionists, and threatening the only free-State judge of election. A

(24) R. Tuck.

(25) R. Tuck, E. Hamilton, J. Landis, L. Dickerson.

(26) John Landis.

(27) R. Tuck, John Landis, E. Hamilton, J. F. Foreman.

(28) E. Hamilton.

(29) Dr. G. A. Cutler.

(30) Dr. G. A. Cutler, John Landis, A. A. Jamieson.

(31) Dr. G. A. Cutler.

(1) T. B. Crane, Joseph Potter.

(2) E. R. Zimmerman.

majority of those who voted wore hemp in their button-holes,(3) and their password was, "All right on the hemp." Many of the Missourians were known and are named by the witnesses. Several speeches were made by them at the polls; and among those who spoke were Major Oliver, one of your committee, Col. Burns, and Laban Williams, of Platte county. Major Oliver urged upon all present to use no harsh words, and expressed the hope that nothing would be said or done to wound the feelings of the most sensitive on the other side. He gave some grounds, based on the Missouri compromise, in regard to the right of voting, and was understood to excuse the Missourians for voting. Your committee are satisfied that he did not vote. Colonel Burns recommended all to vote. They came to vote, and he hoped that none would go home without voting. Some of the pro-slavery residents were much dissatisfied at the interference with their rights by the Missourians, and for that reason, and because reflection convinced them that it would be better to have Kansas a free State, they that day "fell over the fence." (4)

The judges required the voters to take an oath that they were actual residents. They objected at first, some saying they had a claim, or held a claim, or owned a claim, or "I am here;" but the free-State judge insisted upon the oath, and his associates, who at first were disposed to waive it, coincided with him, and the voters all took it after some grumbling. One said he cut him some poles and laid them in the shape of a square, and that made him a claim; and another said that he had cut a few sticks of wood, and that made him a claim. The free-State men did not vote, although they believed their number to be equal to the pro-slavery settlers, and some claimed that they had the majority. They were deterred by threats thrown out by the Missourians, before and on the day of election, from putting up candidates; and none were run, for the reason that there was a credited rumor prevailing that the Missourians would control the election. The free-State judge was threatened with expulsion from the polls, and a young man thrust a pistol into the window through which the votes were received. The whole number of votes cast was 417; of the names on the poll-book but 62 are on the census rolls, and the testimony shows that but a small portion, estimated by a witness at one-fourth of the legal voters, voted. Your committee estimate the number of legal votes at 80. One of the judges refused to certify to the governor that the election was fairly conducted. It was not contested because no one would take the responsibility of doing it, as it was not considered safe, and that if another election was had the residents would fare no better.

SIXTEENTH DISTRICT.

For some time previous to the election, meetings were held and arrangements made in Missouri to get up companies to come over to the Territory and vote;(1) and the day before and the day of elec-

(3) E. R. Zimmerman, Joseph Potter.

(4) E. R. Zimmerman.

(1) H. Miles Moore, A. McAuley, L. Kerr.

tion large bodies of Missourians from Platte, Clay, Ray, Chariton, Carrol, Clinton, and Saline counties, Missouri, came into this district and camped there.(2) They were armed with pistols, bowie-knives, and some with guns and rifles,(3) and had badges of hemp in their button-holes and elsewhere about their persons.(4)

On the morning of the election there were from 1,000 to 1,400 persons present on the ground.(5)

Previous to the election Missourians endeavored to persuade the two free-State judges to resign by making threats of personal violence to them;(6) one of whom resigned on the morning of the election, and the crowd chose another to fill his place.(7) But one of the judges—the free-State judge—would take the oath prescribed by the governor, the other two deciding that they had no right to swear any one who offered to vote, but that all on the ground were entitled to vote.(8) The only votes refused were some Delaware Indians, some thirty Wyandott Indians being allowed to vote.(9) One of the free-State candidates withdrew in consequence of the presence of the Missourians, amid cheering and acclamation by the mob.(10) During the day the steamboat New Lucy came down from Weston, Missouri, with a large number of Missourians on board, who voted, and then returned on the boat.(11)

The Missourians gave as a reason for their coming over to vote, that the North had tried to force emigration into the Territory, and they wanted to counteract that movement.(12) Some of the candidates, and many of the Missourians, took the ground that, under the Kansas-Nebraska act, all who were on the ground on the day of election were entitled to vote;(13) and others, that laying out a town and taking a lot, or driving down stakes, even on another man's claim, gave them a right to vote;(14) and one of the members of the councils, R. R. Rees, declared in his testimony that he who should put a different construction upon the law must be either a knave or a fool. The free-State men generally did not vote at that election,(15) and no newly-arrived eastern emigrants were there.(16)

The free-State judge of election refused to sign the returns until the words "by lawful resident" voters were stricken out, which was done,

(2) David Brown, F. A. Hart, G. F. Warren, R. R. Rees, A. Russell, P. R. Orr, L. J. Eastin, A. Fisher, M. France, H. M. Moore.

(3) D. Brown, F. A. Hart, G. F. Warren, A. Fisher, H. M. Moore, W. G. Matthias.

(4) F. A. Hart, L. J. Eastin, M. France, W. H. Adams, H. M. Moore.

(5) F. A. Hart, T. A. Minard, G. F. Warren, R. R. Rees, A. J. Pattie, W. G. Matthias.

(6) D. Brown, M. France.

(7) D. Brown, F. A. Hart, M. France.

(8) M. France.

(9) M. France.

(10) F. A. Hart, L. J. Eastin, W. H. Adams.

(11) D. Brown, F. A. Hart, T. A. Minard, G. F. Warren, R. R. Rees, L. J. Eastin, A.

T. Kyle, D. J. Johnson, M. France, A. J. Pattie, H. M. Moore.

(12) R. R. Rees, L. J. Eastin, W. H. Adams, H. M. Moore.

(13) D. Brown, T. C. Minard, E. F. Warren, R. R. Rees, H. M. Moore.

(14) D. Brown, F. A. Hart.

(15) D. Brown, T. G. Minard, G. F. Warren, F. A. Hart, M. France, H. M. Moore.

(16) L. J. Eastin, M. France, W. H. Adams.

and the returns made in that way.(17) The election was contested, and a new election ordered by the governor for the 22d of May.

The testimony is divided as to the relative strength of parties in the district. The whole number of voters in the district according to the census returns was 385, and according to a very carefully-prepared list of voters, prepared by the pro-slavery candidates and other pro-slavery men a few days previous to the election, there were 305 voters in the district, including those who had claims but did not live on them.(18) The whole number of votes cast was 964; of those named on the census 106 voted. Your committee, upon careful examination, are satisfied that not over 150 legal votes were cast, leaving 814 illegal votes.

SEVENTEENTH DISTRICT.

The election in this district seems to have been fairly conducted, and not contested at all. In this district the pro-slavery party had the majority.

EIGHTEENTH DISTRICT.

Previous to the election Gen. David R. Atchison, of Platte City, Missouri, got up a company of Missourians, and passing through Weston, Missouri,(1) went over into the Territory. He remained all night at the house of Arnett Grooms, and there exhibited his arms, of which he had an abundance. He proceeded to the Nemaha or 18th district.(2) On his way he and his party attended a nominating convention in the 14th district, and proposed and caused to be nominated a set of candidates in opposition to the wishes of the pro-slavery residents of the district.(3) At that convention he said that there were 1,100 coming over from Platte county, and if that wasn't enough they could bring 5,000 more; that they came to vote and would vote, or kill every G—d d—d abolitionist in the Territory.(4)

On the day of election the Missourians under Atchison, who were encamped there, came up to the polls in the 18th district and voted, taking the oath that they were residents of the district. The Missourians were all armed with pistols and bowie-knives, and said there were sixty in their company.(5) But seventeen of the votes given there were given by citizens of the district.(6) The whole number of votes was sixty-two. R. L. Kirk, one of the candidates, came into the district from Missouri about a week before the election and boarded there.(7) He left after the election, and was not at the time a legal resident of the district in which he was elected. No protest was sent

(17) L. J. Eastin, M. France, W. H. Adams.

(18) L. J. Eastin, A. McAuley.

(1) H. Miles Moore.

(2) Dr. G. A. Cutler, Arnet Grooms.

(3) Dr. G. A. Cutler.

(4) Dr. G. A. Cutler.

(5) D. H. Baker, John Belew.

(6) D. H. Baker, John Belew.

(7) John Belew.

to the governor on account of threats made against any who should dare to contest the election.(8)

The following tables embody the result of the examination of your committee in regard to this election. In some of the districts it was impossible to ascertain the precise number of legal votes cast, and especially in the 14th, 15th, and 16th districts. In such cases the number of legal and illegal votes cast is stated after a careful re-examination of all the testimony and records concerning the election.

No. 1.

Abstract of census and returns of election of March 30, 1855, by election districts.

No. of district.	Place of voting.	Pro-slavery votes.	Free State votes.	Scattering.	Total.	Total of legal votes.	Total of illegal votes.	CENSUS.		COUNCIL.		HOUSE.	
								No. of voters.	No. of persons resident.	No. of district.	No. of members.	No. of district.	No. of members.
1	Lawrence	781	253	.....	1,034	232	802	369	962	1	2	2	3
2	Bloomington	318	12	11	341	30	316	199	519	2	1	3	2
3	Stinson's or Tecumseh	366	4	2	372	32	348	101	282	3	1	4	1
4	Dr. Chapman's	78	2	.....	80	15	65	47	177	1	.....	1	1
5	Bull Creek	377	9	.....	386	13	380	.....	.....	.....	.....	.....	.....
	Pottawatomie	199	65	.....	264	75	191	.....	.....	.....	.....	.....	.....
6	Big Sugar Creek	74	17	7	98	32	59	412	1,407	4	2	7	4
	Little Sugar Creek	34	70	.....	104	104	.....	.....	.....	.....	.....	.....	.....
7	Fort Scott	315	35	.....	350	100	250	253	810	5	1	6	2
8	Isaac B. Titus'	211	23	.....	234	25	209	53	118	3	.....	5	1
9	Council Grove	17	17	.....	37	37	.....	39	83	3	.....	5	1
10	Pawnee	23	52	.....	75	75	.....	36	86	6	1	8	1
	Big Blue	27	42	.....	69	48	21	63	151	10	.....	8	1
11	Rock Creek	2	21	.....	23	23	.....	.....	.....	8	.....	8	1
12	Marysville	328	.....	.....	328	7	321	24	36	9	.....	9	1
	St. Mary's	4	7	.....	11	11	.....	.....	.....	10	.....	9	1
13	Silver Lake	12	19	2	33	33	.....	78	144	1	.....	9	1
14	Hickory Point	233	6	.....	239	12	230	96	284	10	.....	10	1
	Doniphan	313	30	3	346	.....	.....	.....	.....	7	.....	11	1
15	Wolf Creek	57	15	6	78	200	530	334	1,167	7	1	11	2
	Burr Oak	256	2	48	306	.....	.....	.....	.....	8	.....	12	2
16	Hayes'	412	.....	5	417	20	337	208	873	9	1	13	2
17	Leavenworth	899	60	5	964	150	814	385	1,183	10	2	14	3
18	Gum Springs	43	16	.....	59	59	.....	50	150	1	.....	.....	.....
	Moorestown	48	14	.....	62	17	45	28	99	7	1	.....	.....
Total		5,427	791	89	6,307	1,410	4,908	2,905	8,601	105	13	155	26

(8) Dr. G. A. Cutler.

No. 2.—Abstract of elections of March 30, 1855, by council districts.

No. of council district.	No. of election district.	Precincts.	Voters in election district.	No. of voters by census in council district.	No. of councilmen.	Pro-slavery candidates.	No. of votes for them in election district.	Total votes in council district for them.	Free State candidates.	No. of votes for them in election district.	Total votes in council district for them.	Scattering.	Total votes cast in election district.	Total votes cast in council district.	No. of legal votes in election district.	No. of illegal votes in election district.	No. of legal votes in council district.	No. of illegal votes in council district.	No. councilmen elected by illegal votes.	Probable result if no invasion.
1	1	Lawrence	369	466	2	Thomas Johnson.....	780	.....	Joel K. Goodwin.....	254	.....	.....	1,034	.....	232	802	.....	.....	2	F. S.
	4	Chapman's	47	.....	.....	Ed. Chapman.....	783	.....	S. N. Wood.....	253	.....	.....	80	.....	15	65	.....	.....	.....	.....
	17	.....	50	.....	.....	Thomas Johnson.....	78	.....	Joel K. Goodwin.....	2	.....	.....	80	.....	15	65	.....	.....	.....	.....
2	2	.....	212	212	1	Ed. Chapman.....	78	.....	S. N. Wood.....	2	.....	.....	59	.....	59	356	.....	.....	.....	.....
3	3	.....	101	193	1	Thomas Johnson.....	42	900	Joel K. Goodwin.....	16	.....	.....	59	.....	59	356	.....	.....	.....	.....
	7	Titus's	53	.....	.....	Ed. Chapman.....	43	.....	S. N. Wood.....	16	273	10	1,183	.....	35	316	25	316	1	F. S.
	8	.....	39	.....	.....	A. McDonald.....	318	318	J. A. Wakefield.....	12	12	.....	330	330	32	338	.....	.....	.....	.....
4	5	Bull Creek.....	442	442	2	H. S. Strickler.....	370	.....	A. McDonald.....	4	.....	.....	231	.....	25	209	.....	.....	.....	.....
		.....	.....	.....	.....	do.....	211	.....	Wm. F. Johnson.....	23	.....	.....	231	.....	25	209	.....	.....	.....	.....
		.....	.....	.....	.....	do.....	17	598	— Rice.....	17	44	3	642	.....	37	.....	94	547	1	F. S.
		Pottawatomie.....	.....	.....	.....	A. M. Coffee.....	377	.....	M. G. Morris.....	9	.....	.....	393	.....	13	280	.....	.....	.....	.....
		Big Sugar Creek.....	.....	.....	.....	David Lykins.....	376	.....	James P. Fox.....	9	.....	.....	393	.....	13	280	.....	.....	.....	.....
		Little Sugar Creek.....	.....	.....	.....	A. M. Coffee.....	199	.....	M. G. Morris.....	65	.....	.....	266	.....	75	191	.....	.....	.....	.....
		.....	.....	.....	.....	David Lykins.....	199	.....	James P. Fox.....	63	.....	.....	266	.....	75	191	.....	.....	.....	.....
		.....	.....	.....	.....	A. M. Coffee.....	74	.....	M. G. Morris.....	17	.....	.....	91	.....	32	59	.....	.....	.....	.....
		.....	.....	.....	.....	David Lykins.....	74	.....	James P. Fox.....	16	.....	.....	91	.....	32	59	.....	.....	.....	.....
		.....	.....	.....	.....	A. M. Coffee.....	31	.....	M. G. Morris.....	62	.....	.....	855	855	105	.....	225	630	.....	.....
5	6	.....	253	253	1	David Lykins.....	34	680	James P. Fox.....	70	158	17	855	855	105	.....	225	630	.....	.....
6	9	.....	36	.....	.....	Win. Barbec.....	343	343	.....	.....	.....	.....	343	343	100	243	100	243	.....	.....
	10	Big Blue.....	63	.....	.....	John Donaldson.....	23	.....	M. F. Conway.....	50	.....	2	75	.....	75	.....	.....	.....	.....	.....
		Rock Creek.....	.....	.....	.....	do.....	27	.....	do.....	42	.....	.....	69	.....	48	21	.....	.....	.....	.....
		Marysville.....	24	.....	.....	do.....	2	.....	do.....	91	.....	.....	92	.....	73	.....	.....	.....	.....	.....
		Silver Lake.....	78	.....	.....	do.....	328	.....	do.....	3	.....	.....	331	.....	31	.....	.....	.....	.....	.....
		St. Mary's.....	.....	.....	.....	do.....	12	.....	do.....	19	.....	.....	31	.....	11	.....	195	345	.....	.....
7	14	Wolf River.....	219	247	1	do.....	4	396	do.....	7	140	.....	11	538	.....	.....	.....	.....	.....	.....
		Douglas.....	.....	.....	.....	John W. Foreman.....	74	.....	do.....	.....	.....	.....	72	.....	2	.....	.....	.....	.....	.....
		.....	.....	.....	.....	do.....	343	.....	do.....	.....	.....	.....	478	.....	17	45	.....	.....	.....	.....
		.....	28	.....	.....	do.....	61	478	John W. Whitehead.....	58	68	.....	302	302	80	332	80	332	.....	.....
8	14	Burr Oak.....	215	215	1	W. P. Richardson.....	234	234	.....	.....	.....	1	412	412	80	332	80	332	.....	.....
9	15	.....	208	208	1	D. A. M. Grover.....	411	411	.....	.....	.....	.....	242	.....	12	.....	.....	.....	.....	.....
10	13	.....	83	468	2	R. R. Rees.....	233	.....	B. H. Twombly.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		.....	.....	.....	.....	L. J. Eastin.....	233	1,129	A. J. Whitney.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
		.....	.....	.....	.....	R. R. Rees.....	233	.....	B. H. Twombly.....	60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	16	.....	385	.....	.....	L. J. Eastin.....	893	.....	A. J. Whitney.....	59	66	.....	964	1,216	150	814	162	1,044	.....	.....

No. 3.—Abstract of election of March 30, 1855, by representative districts.

82

No. of representative district.	No. of election district.	Precincts and place of voting.	No. of voters by census in election district.	No. of voters by census in representative dist.	No. of representatives.	Pro-slavery candidates.	No. of votes for them in election district.	Total votes for them in representative district.	Free State candidates.	No. of votes for them in election district.	Total votes for them in representative district.	Scattering.	Total votes cast in election district.	Total votes cast in representative district.	No. of legal votes in election district.	No. of illegal votes in election district.	No. of legal votes in representative district.	No. of illegal votes in representative district.	No. of rep. elected by illegal voting.
1	4	Dr. Chapman's	47	97	1	A. S. Johnson	77	120	A. F. Powell	3	19	3	80	139	15	65			
17		Shawnee Mission	50			do.	43		do.	16			59		59		74	65	
2	1	Lawrence	369	369	3	James Whitlock	780		John Hutchinson	252									
						J. M. Banks	781	781	E. D. Ladd	253									
						A. B. Wade	781		P. P. Fowler	254	253	10	1,034	1,034	222	892	222	742	3
3	2	Bloomington	212	212	2	G. W. Ward	318		Isaac Davis	12									
						O. H. Brown	318	318	E. G. Macy	12	12	11	341	341	25	316	25	316	
4	3	Tecumseh	101	101	1	D. L. Croysdale	366	366	C. K. Holliday	4	4	1	370	370	22	338	22	338	1
5	7	I. B. Titus	53	92	1	M. W. McGee	210		H. Rice	23		2	231		25	209			
8	8	Conneil Grove	39			do.	12	222	A. J. Baker	25	49		37	271	37		63	209	1
6	6	Fort Scott	253	253	2	Jos. C. Anderson	315		Jno. Hamilton	35	35								
						S. A. Williams	313	315	Wm. Margraves	16			359	359			160	250	
7	5	Bull Creek	442	442	4	W. A. Haskell	377		John Serpell	9									
						Allen Wilkinson	375		Adam Pore	9									
						Henry Younger	375		S. H. Houser	9									
						Samuel Scott	377		Wm. Jennings	9		7	233		13	380			
		Pottawatomie Creek				Wm. A. Haskell	198		John Serpell	61									
						Allen Wilkinson	198		Adam Pore	54									
						Henry Younger	198		S. H. Houser	64									
						Samuel Scott	198		Wm. Jennings	62		6	263		75	191			
		Big Sugar Creek				Wm. A. Haskell	74		John Serpell	17									
						Allen Wilkinson	74		Adam Pore	16									
						Henry Younger	74		S. H. Houser	17									
						Samuel Scott	74		Wm. Jennings	17			91		32	59			
		Little Sugar Creek				Wm. A. Haskell	33		John Serpell	62									
						Allen Wilkinson	32		Adam Pore	62			105				224	630	4
						Henry Younger	35	684	S. H. Houser	61									
						Samuel Scott	35		Wm. Jennings	66	152	4	855	855					
8	9	Pawnee	36	99	1	Russell Garrett	18		S. D. Houston	55			75		75				
10		Big Blue	63			do.	21		do.	43			63		59	10			
		Rock Creek				do.	2	41	do.	21	120	6	23	157	23		156	10	1
9	11		24	102	1	Fr. J. Marshall	323												
	12	Silver Lake	78			do.	12		H. McCartney	19			393		7	231			
		St. Mary's				do.	4	344	do.	7	26	4	11	370	46	53	221	1	
10	13	Hickory Point	83	83	1	Wm. H. Tibbs	237	237	C. Hard	3			212	242	12	253	12	240	1
11	14	Wolf River				John H. Stringfellow	57		G. A. Cutler	15									

[illegible]

Your committee report the following facts not shown by the tables

Of the 2,905 voters named in the census rolls, 831 are found on the poll-books. Some of the settlers were prevented from attending the election by the distance of their homes from the polls, but the great majority were deterred by the open avowal that large bodies of armed Missourians would be at the polls to vote, and by the fact that they did so appear and control the election. The same causes deterred the free-State settlers from running candidates in several districts, and in others induced the candidates to withdraw.

The poll-books of the 2d and 8th districts were lost, but the proof is quite clear that in the 2d district there were thirty, and in the 8th district thirty-eight legal votes, making a total of eight hundred and ninety-eight legal voters of the Territory whose names are on the census returns. And yet the proof, in the state in which we are obliged to present it, after excluding illegal votes, leaves the total vote of 1,410, showing a discrepancy of 512. The discrepancy is accounted for in two ways: First, the coming in of settlers before the March election, and after the census was taken, or settlers who were omitted in the census; or, secondly, the disturbed state of the Territory while we were investigating the elections in some of the districts, thereby preventing us from getting testimony in relation to the names of illegal voters at the time of election.

If the election had been confined to the actual settlers, undeterred by the presence of non-residents, or the knowledge that they would be present in numbers sufficient to outvote them, the testimony indicates that the council would have been composed of seven in favor of making Kansas a free State, elected from the 1st, 2d, 3d, 4th, and 6th council districts. The result in the 8th and 10th, electing three members, would have been doubtful, and the 5th, 7th, and 9th would have elected three pro-slavery members.

Under like circumstances the House of Representatives would have been composed of fourteen members in favor of making Kansas a free State, elected from the 2d, 3d, 4th, 5th, 7th, 8th, 9th, and 10th representative districts.

The result in the 12th and 14th representative districts, electing five members, would have been doubtful; and the 1st, 6th, 11th, and 15th districts would have elected seven pro-slavery members.

By the election as conducted, the pro-slavery candidates in every district but the 8th representative district received a majority of the votes; and several of them, in both the council and house, did not "reside in" and were not "inhabitants of" the district for which they were elected, as required by the organic law.

By that act, it was declared to be "the true intent and meaning of this act to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject to the constitution of the United States." So careful was Congress of the right of popular sovereignty, that to secure it to the people, without a single petition from any portion of the country, they removed the restriction against slavery imposed by the Missouri compromise. And yet this right, so carefully secured, was thus by force and fraud overthrown by a portion of the people of an adjoining State

The striking difference between this republic and other republics on this continent is not in the provisions of constitutions and laws, but that here changes in the administration of those laws have been made peacefully and quietly through the ballot-box. This invasion is the first and only one in the history of our government, by which an organized force from one State has elected a legislature for another State or Territory, and as such it should have been resisted by the whole executive power of the national government.

Your committee are of the opinion, that the constitution and laws of the United States have invested the President and the governor of the Territory with ample power for this purpose. They could only act after receiving authentic information of the facts; but when received, whether before or after the certificates of election were granted, this power should have been exercised to its fullest extent.

It is not to be tolerated that a legislative body thus selected should assume or exercise any legislative functions; and their enactments should be regarded as null and void. Nor should the question of its legal existence as a legislative body be determined by itself, as that would be allowing the criminal to judge of his own crime.

In section 22d of the organic act it is provided, that "the persons having the highest number of *legal* votes in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council, and the persons having the highest number of *legal* votes for the House of Representatives shall be declared by the governor duly elected members of said house." The proclamation of the governor required a verified notice of a contest, when one was made, to be filed with him within four days after the election. Within that time he did not obtain information as to force or fraud in any except the following districts; and in these there were material defects in the returns of election. Without deciding upon his power to set aside elections for force and fraud, they were set aside for the following reasons:

In the 1st district, because the words "by lawful resident voters" were stricken from the return.

In the 2d district, because the oath was administered by G. W. Taylor, who was not authorized to administer an oath.

In the 3d district, because material erasures from the printed form of the oath were purposely made.

In the 4th district, for the same reason.

In the 7th district, because the judges were not sworn at all.

In the 11th district, because the returns show the election to have been held *viva voce* instead of by ballot.

In the 16th district, because the words "by lawful residents" were stricken from the returns.

Although the fraud and force in other districts was equally great as in these, yet, as the governor had no information in regard to them, he issued certificates according to the returns.

ELECTION OF MAY 22, 1855.

The election to fill the vacancies caused by the action of the governor was held on the 22d of May, 1855. There was no illegal voting at that election except in the 16th district, at Leavenworth. For that district the pro-slavery party, while publicly refusing to acknowledge the legality of that election, not only voted, but a large number of the citizens of Missouri came over and voted as at the previous election.(1) The majority of the judges decided that all that was necessary to constitute a legal voter, was to have some one say he had some interest in the Territory.(2) No one was sworn that day, or even challenged.(3) The steamboat Kate Kassel came up, and men from her came ashore and voted.(4) Many free-State men did not vote that day.(5) One of the free-State judges desired the words "by lawful resident voters" to be stricken out of the return before he would sign it,(6) and only signed the return with those words in under a misapprehension.(7) It is impossible for your committee accurately to decide which party would have had a majority of the legal votes of the district, had no illegal votes been polled, on account of the difficulty of determining who were legal and who were illegal voters at that election.

Abstract of the returns of election of May 22, 1855.

No. of district.	Place of voting.	Pro-slavery votes.	Free State votes.	Scattering.	Total.
1	Lawrence.....	-----	288	18	306
2	Douglas.....	-----	127	-----	127
3	Stinson's.....	-----	148	1	149
7	" 110 ".....	-----	66	13	79
8	Council Grove.....	-----	33	-----	33
16	Leavenworth.....	560	140	15	715
	Total	560	402	47	1,409

Your committee have felt it to be their duty, not only to inquire into and collect evidence in regard to force and fraud attempted and practised at the elections in the Territory, but also into the facts and pretexts by which this force and fraud have been excused or justified; and, for this purpose, your committee have allowed the declarations

- (1) Wm. H. Adams, G. H. Keller, Amos Rees.
- (2) M. France, Adam Fisher.
- (3) Matt. France, W. H. Adams, A. Fisher.
- (4) Matt. France, W. H. Adams.
- (5) M. France, A. Fisher.
- (6) Matt. France, Adam Fisher.
- (7) Matt. France.

of non-resident voters to be given a' evidence in their own behalf; also, the declarations of all who came up the Missouri river, as emigrants, in March, 1855, whether they voted or not, and whether they came into the Territory at all or not, and also the rumors which were circulated among the people of Missouri previous to the election. The great body of the testimony taken at the instance of the sitting delegate is of this character.

When the declarations of parties passing up the river were offered in evidence, your committee received them upon the distinct statement that they would be excluded unless the persons making the declarations were, by other proof, shown to have been connected with the election. This proof was not made, and therefore much of this class of testimony is incompetent by the rules of law; but, it is allowed to remain as tending to show the cause of the action of the citizens of Missouri. The alleged causes of the invasion of March, 1855, are included in the following charges, viz:

1st. That the New England Emigrant Aid Society, of Boston, was then importing into the Territory large numbers of men, merely for the purpose of controlling the elections; that they came without women, children, or baggage, went into the Territory, voted, and returned again.

2d. That men were hired in the eastern and northern States, or induced to go to the Territory, solely to vote and not to settle, and by so doing to make it a free State.

3d. That the governor of the Territory purposely postponed the day of election to allow this emigration to arrive, and notified the Emigrant Aid Society and persons in the eastern States of the day of election before he gave notice to the people of Missouri and the Territory.

That these charges were industriously circulated; that grossly exaggerated statements were made in regard to them; that the newspaper press and leading men in public meetings in western Missouri (aided in one case by a chaplain of the United States army) gave currency and credit to them, and thus excited the people and induced many well-meaning citizens of Missouri to march into the Territory to meet and repel the alleged eastern paupers and abolitionists, is fully proven by many witnesses.

But neither of these charges is sustained by the proof.

In April, 1854, the general assembly of Massachusetts passed an act entitled "An act to incorporate the Massachusetts Emigrant Aid Society." The object of the society, as declared in the first section of this act, was "for the purpose of assisting emigrants to settle in the West." The nominal capital of the corporation was not to exceed five millions of dollars, but no more than four per cent. could be assessed during the year 1854, and no more than ten per cent. in any one year thereafter. No organization was perfected or proceedings had under this law.

On the 24th day of July, 1854, certain persons in Boston, Massachusetts, concluded articles of agreement and association for an Emigrant Aid Society. The purpose of this association was declared to be, "assisting emigrants to settle in the West." Under these articles

of association each stockholder was individually liable. To avoid this difficulty an application was made to the general assembly of Massachusetts for an act of incorporation, which was granted. On the 21st day of February, 1855, an act was passed to incorporate the New England Emigrant Aid Company. The purpose of this act was declared to be, "directing emigration westward, and aiding and providing accommodation after arriving at their place of destination." The capital stock of the corporation was not to exceed one million of dollars. Under this charter a company was organized.

Your committee have examined some of its officers, and a portion of its circulars and records, to ascertain what has been done by it. The public attention at the time of its formation was directed to the Territory of Kansas, and emigration naturally tended in that direction. To ascertain its character and resources, this company sent its agents into it, and the information thus obtained was published. The company made arrangements with various lines of transportation to lessen the expense of emigration into the Territory, and procured tickets at reduced rates. Applications were made to the company by persons desiring to emigrate; and when they were numerous enough to form a party of convenient size, tickets were sold to them at the reduced rates. An agent acquainted with the route was selected to accompany them. Their baggage was checked, and all trouble and danger of loss to the emigrant in this way avoided. Under these arrangements several companies went into the Territory in the fall of 1854, under the articles of association referred to. The company did not pay any portion of the fare, or furnish any personal or real property to the emigrant. The company, during 1855, sent into the Territory from eight to ten saw-mills; purchased one hotel in Kansas City, which they subsequently sold; built one hotel at Lawrence, and owned one other building in that place. They held no property of any other kind or description. They imposed no condition upon their emigrants, and did not inquire into their political, religious, or social opinions. The total amount expended by them, including the salaries of their agents and officers, and other expenses incident to all organizations, was less than one hundred thousand dollars.

Their purposes, as far as your committee can ascertain, were lawful, and contributed to supply those wants most experienced in the settlement of a new country.

The only persons who emigrated into the Territory under the auspices of this company in 1855, prior to the election in March, was a party of 169 persons, who came under the charge of Charles Robinson.⁽¹⁾

In this party there were sixty-seven women and children.⁽²⁾ They came as actual settlers, intending to make their homes in the Territory, and for no other purpose.⁽³⁾ They had about their persons but little baggage, usually sufficient clothing in a carpet-sack for a short time. Their personal effects, such as clothing, furniture, &c., were put into trunks and boxes, and, for convenience in selecting and

(1) Benjamin Slater, Charles Robinson.

(2) Charles Robinson.

(3) Samuel C. Smith.

cheapness in transporting, was marked "Kansas party baggage; care of B. Slater, St. Louis." Generally this was consigned as freight, in the ordinary way, to the care of a commission merchant. This party had, in addition to the usual allowance of one hundred pounds to each passenger, a large quantity of baggage, on which the respective owners paid the usual extra freight.(4) Each passenger or party paid his or their own expenses, and the only benefit they derived from this society, not shared by all the people of the Territory, was the reduction of about seven dollars in the price of the fare, the convenience of travelling in a company instead of alone, and the cheapness and facility of transporting their freight through regular agents. Subsequently many emigrants, being either disappointed with the country or its political condition, or deceived by the statements made by the newspapers, and by the agents of the society, became dissatisfied and returned, both before and after the election, to their old homes. Most of them are now settlers in the Territory.(5) Some few voted at the election in Lawrence,(5) but the number was small. The names of these emigrants have been ascertained, and thirty-seven of them are found upon the poll-books.(5½.) This company of peaceful emigrants, moving with their household goods, was distorted into an invading horde of pauper abolitionists, who were, with others of a similar character, to control the domestic institutions of the Territory, and then overturn those of a neighboring State.

In regard to the second charge, there is no proof that any man was either hired, or induced to come into the Territory from any free State, merely to vote. The entire emigration in March, 1855, is estimated at 500 persons, including men, women, and children.(6) They came on steamboats up the Missouri river in the ordinary course of emigration. Many returned for causes similar to those before stated, but the body of them are now residents. The only persons, of those who were connected by proof with the election, were some who voted at the Big Blue precinct in the 10th district, and at Pawnee, in the 9th district. Their purpose and character are stated in a former part of this report.

The third charge is entirely groundless. The organic law requires the governor to cause an enumeration of the inhabitants and legal voters to be made, and that he apportion the members of the council and house according to this enumeration. For reasons stated by persons engaged in taking the census, it was not completed until the early part of March, 1855.(7) At that time the day of holding the election had not been and could not have been named by the governor. As soon as practicable after the returns were brought in, he issued his proclamation for an election, and named the earliest day consistent with due notice as the day of election. The day on which the election was to be held was a matter of conjecture all over the country, but it was generally known that it would be in the latter part of

(4) B. Slater.

(5) Charles Robinson, Samuel C. Smith.

(5½) Anson J. Stone.

(6.) W. H. Chick and J. Riddlesbarger.

(7.) William Barbee.

March. The precise day was not known by any one until the proclamation issued. It was not known to the agents of the Emigrant Aid Society in Boston on the 13th day of March, 1855, when the party of emigrants before referred to left. (8)

Your committee are satisfied that these charges were made the mere pretexts to induce an armed invasion into the Territory as a means to control the election and establish slavery there.

The real purpose is avowed and illustrated by the testimony and conduct of Colonel John Scott, of St. Joseph's, Mo., who acted as an attorney for the sitting delegate before your committee. The following are extracts from his deposition :

"Prior to the election in Burr Oak precinct, in the 14th district, on the 29th of November, 1854, I had been a resident of Missouri, and I then determined, if I found it necessary, to become a resident of Kansas Territory. On the day previous to that election I settled up my board at my boarding-house in St. Joseph's, Mo., and went over to the Territory and took boarding with Mr. Bryant, near whose house the polls were held the next day, for one month, so that I might have it in my power, by merely determining to do so, to become a resident of the Territory on the day of election.

"When my name was proposed as a judge of election, objections were made by two persons only. * * * I then publicly informed those present that I had a claim in the Territory ; that I had taken board in the Territory for a month, and that I could at any moment become an actual resident and legal voter in the Territory ; and that I would do so if I concluded at any time during the day that my vote would be necessary to carry that precinct in favor of the pro-slavery candidate for delegate to Congress. * * * I did not during the day consider it necessary to become a resident of the Territory for the purpose mentioned, and did not vote or offer to vote at that election.

"I held the office of city attorney for St. Joseph's at that time, and had held it for two or three years previously, and continued to hold it until this spring. * * * I voted at an election in St. Joseph's in the spring of 1855, and was re-appointed city attorney. The question of slavery was put in issue at the election of November, 1854, to the same extent as in every election in this Territory. General Whitfield was regarded as the pro-slavery candidate by the pro-slavery party. I regarded the question of slavery as the primarily prominent issue at that election, and, so far as I know, all parties agreed in making that question the issue of that election.

"It is my intention, and the intention of a great many other Missourians now resident in Missouri, whenever the slavery issue is to be determined upon by the people of this Territory in the adoption of the State constitution, to remove to this Territory in time to acquire the right to become legal voters upon that question. The leading purpose of our intended removal to the Territory, is to determine the domestic institutions of this Territory when it comes to be a State, and we would not come but for that purpose, and would never think of coming here

but for that purpose. I believe there are a great many in Missouri who are so situated."

The invasion of March 30th left both parties in a state of excitement, tending directly to produce violence. The successful party was lawless and reckless, while assuming the name of the "Law and Order" party. The other party, at first surprised and confounded, was greatly irritated, and some resolved to prevent the success of the invasion. In some districts as before stated, protests were sent to the governor; in others this was prevented by threats, in others by the want of time, and in others by the belief that a new election would bring a new invasion. About the same time, all classes of men commenced bearing deadly weapons about their persons—a practice which has continued to this time. Under these circumstances, a slight or accidental quarrel produced unusual violence, and lawless acts became frequent. This unhappy condition of the public mind was further increased by acts of violence in western Missouri, where, in April, a newspaper press called the Parkville Luminary was destroyed by a mob.

About the same time Malcolm Clark assaulted Cole McCrea at a squatter meeting in Leavenworth, and was shot by McCrea in alleged self-defence.

On the 17th day of May, William Phillips, a lawyer of Leavenworth, was first notified to leave, and upon his refusal was forcibly seized, taken across the river and carried several miles into Missouri, and then tarred and feathered, and one side of his head shaved, and other gross indignities put upon his person.

Previous to this outrage, a public meeting was held(10) at which resolutions were unanimously passed, looking to unlawful violence, and grossly intolerant in their character. The right of free speech upon the subject of slavery was characterized as a disturbance of the peace and quiet of the community, and as "circulating incendiary sentiments." They say "to the peculiar friends of northern fanatics, go home and vent your treason where you may find sympathy." Among other resolves is the following:

"Resolved, That the institution of slavery is known and recognised in this Territory; that we repel the doctrine that it is a moral and political evil, and we hurl back with scorn upon its slanderous authors the charge of inhumanity; and we warn all persons not to come to our peaceful firesides to slander us and sow the seeds of discord between the master and the servant; for, much as we deprecate the necessity to which we may be driven, we cannot be responsible for the consequences."

A committee of vigilance of thirty men was appointed "to observe and report all such persons as shall, * * * by the expression of abolition sentiments, produce disturbance to the quiet of the citizens, or danger to their domestic relations; and all such persons so offending shall be notified and made to leave the Territory."

The meeting was "ably and eloquently addressed by Judge Le-compte, Col. L. N. Burns, of Weston, Missouri, and others." Thus the head of the judiciary in the Territory not only assisted at a public

and bitterly partizan meeting, whose direct tendency was to produce violence and disorder, but, before any law is passed in the Territory, he prejudices the character of the domestic institutions which the people of the Territory were, by their organic law, "left perfectly free to form and regulate in their own way."

On this committee were several of those who held certificates of election as members of the legislature. Some of the others were then, and still are, residents of Missouri, and many of the committee have since been appointed to the leading offices in the Territory, one of which is the sheriffalty of the county. Their first act was that of mobbing Phillips.

Subsequently, on the 25th of May, A. D. 1855, a public meeting was held, at which R. R. Rees, a member elect of the council, presided. (11) The following resolutions, offered by Judge Payne, a member elect of the House, were unanimously adopted:

"*Resolved, 1st.* That we heartily endorse the action of the committee of citizens that shaved, tarred and feathered, rode on a rail, and had sold by a negro, William Phillips, the moral perjurer.

"*2d.* That we return our thanks to the committee for faithfully performing the trust enjoined upon them by the pro-slavery party.

"*3d.* That the committee be now discharged.

"*4th.* That we severely condemn those pro-slavery men who, from mercenary motives, are calling upon the pro-slavery party to submit without further action.

"*5th.* That, in order to secure peace and harmony to the community, we now solemnly declare that the pro-slavery party will stand firmly by and carry out the resolutions reported by the committee appointed for that purpose on the 'memorable 30th.'"

The act of moral perjury here referred to is the swearing by Phillips to a truthful protest in regard to the election of March 30th in the 16th district.

LEGISLATIVE ASSEMBLY.

The members receiving their certificates of the governor as members of the General Assembly of the Territory met at Pawnee, the place appointed by the governor, on the 2d of July, A. D. 1855. Their proceedings are stated in three printed books, herewith submitted, entitled, respectively, "The Statutes of the Territory of Kansas;" "The Journal of the Council of the Territory of Kansas;" and "The Journal of the House of Representatives of the Territory of Kansas."

Your committee do not regard their enactments as valid laws. A legislature thus imposed upon a people cannot affect their political rights. Such an attempt, if successful, is virtually an overthrow of the organic law, and reduces the people of the Territory to the condition of vassals to a neighboring State. To avoid the evils of anarchy, no armed or organized resistance to them would have been made, but the citizens would have appealed to the ballot-box at future elections, to the federal judiciary, and to Congress, for relief. Such, from the proof, would have been the course of the people but for the nature of

these enactments and the manner in which they are enforced. Their character and their execution have been so intimately connected with one branch of this investigation—that relating to “violent and tumultuous proceedings in the Territory”—that we were compelled to examine them.

The “laws” in the statute-books are general and special; the latter are strictly of a local character, relating to bridges, roads, and the like. The great body of the general laws are exact transcripts from the Missouri code. To make them, in some cases, conform to the organic act, separate acts were passed defining the meaning of words. Thus, the word “State” is to be understood as meaning “Territory;” (1) the words “county court” “shall be construed to mean the board of commissioners transacting county business, or the probate courts, according to the intent thereof.” The words “circuit court” to mean “district court.” (2)

The material differences in the Missouri and Kansas statutes are upon the following subjects:

The qualifications of voters and of members of the Legislative Assembly; the official oath of all officers, attorneys, and voters; the mode of selecting officers, and their qualifications; the slave code, and the qualifications of jurors.

Upon these subjects the provisions of the Missouri code are such as are usual in many of the States. But, by the “Kansas Statutes” every officer in the Territory, executive and judicial, was to be appointed by the legislature, or by some officer appointed by it. These appointments were not merely to meet a temporary exigency, but were to hold over two regular elections, and until after the general election in October, 1857. (3) Thus, by the terms of these “laws” the people have no control whatever over either the legislative, the executive, or the judicial departments of the Territorial government, until a time, before which, by the natural progress of population, the Territorial government will be superseded by a State government.

No session of the legislature is to be held during 1856, but the members of the house are to be elected in October of that year. (6) A candidate to be eligible at this election must swear to support the Fugitive Slave law, (7) and each judge of election, and each voter, if challenged, must take the same oath. (8) The same oath is required of every officer elected or appointed in the Territory, and of every attorney admitted to practice in the courts. (9)

A portion of the militia is required to muster on the day of election. (10) “Every free white male citizen of the United States, and every free male Indian who is made a citizen by treaty or otherwise,

(1) Statutes, p. 718.

(2) Statutes, p. 766.

(3) Statutes, pp. 168, 227, 712.

(4) Statutes, p. 330.

(5) Statutes, p. 475.

(6) Statutes, p. 330.

(7) Statutes, p. 333.

(8) Statutes, p. 332.

(9) Statutes, pp. 132, 339, 516

(10) Statutes, p. 469.

and over the age of twenty-one years, and who shall be an *inhabitant* of the Territory, and of the county and district in which he offers to vote, and shall have paid a Territorial tax, shall be a qualified elector for all elective officers." (11) Two classes of persons were thus excluded, who, by the organic act, were allowed to vote, viz: those who would not swear to the oath required, and those of foreign birth who had declared on oath their intention to become citizens. (12) Any man of proper age who was in the Territory on the day of election, and who had paid one dollar as a tax to the sheriff, who was required to be at the polls to receive it, (13) could vote as an "inhabitant," although he had breakfasted in Missouri, and intended to return there for supper. There can be no doubt that these unusual and unconstitutional provisions were inserted to prevent a full and fair expression of the popular will in the election of members of the house, or to control it by non-residents.

All jurors are required to be selected by the sheriff, and "no person who is conscientiously opposed to the holding of slaves, or who does not admit the right to hold slaves in the Territory, shall be a juror in any cause affecting the right to hold slaves, or relating to slave property."

The slave code, and every provision relating to slaves, are of a character intolerant and unusual, even for that class of legislation.

The character and conduct of the men appointed to hold office in the Territory, contributed very much to produce the events which followed. Thus, Samuel J. Jones was appointed sheriff of the county of Douglas, which included within it the first and second election districts. He had made himself peculiarly obnoxious to the settlers by his conduct on the 30th of March, in the second district, and by his burning the cabins of Joseph Oakley and Samuel Smith. (14)

THE ELECTION OF OCTOBER 1, 1855.

An election for delegate to Congress, to be held on the 1st day of October, 1855, was provided for under the same rules and regulations as were applied to other elections. The free-State men took no part in this election, having made arrangements for holding an election on the 9th of the same month. The citizens of Missouri attended at the election of the 1st of October, some paying the dollar tax, others not being required to pay it. They were present and voted at the voting places of Atchison (1) and Doniphan, (2) in Atchison county; at Green Springs, Johnson county; (3) at Willow Springs, (4) Franklin, (5) and Lecompton, (6) in Douglas county; at Fort Scott, Bourbon county; (7)

(11) Statutes, p. 332.

(12) Statutes, p. 34.

(13) Statutes, p. 333.

(14) Samuel Smith and Edward Oakley.

(1) D. W. Field.

(2) John Landis.

(3) Robert Morrow, G. Jenkins, B. C. Westfall.

(4) A. White, T. Wolverton, J. Reid.

(5) L. M. Cox, L. A. Prather.

(6) B. C. Westfall.

(7) E. B. Cook, J. Hamilton.

at Baptiste Paola, Lykins county, where some Indians voted, some whites paying the dollar tax for them ;(8) at Leavenworth City(9) and at Kickapoo City, Leavenworth county ; at the latter place under the lead of General B. F. Stringfellow and Colonel Lewis Burns, of Missouri.(10) From two of the election precincts at which it was alleged there was illegal voting, viz: Delaware and Wyandott, your committee failed to obtain the attendance of witnesses.

You committee did not deem it necessary, in regard to this election, to enter into details, as it was manifest that from there being but one candidate, General Whitfield, he must have received a majority of the votes cast. This election, therefore, depends not upon the number or character of the votes received, but upon the validity of the laws under which it was held. Sufficient testimony was taken to show that the voting of citizens of Missouri was practised at this election, as at all former elections in the Territory. The following table will exhibit the result of the testimony as regards the number of legal and illegal votes at this election.

The county of Marshall embraces the same territory as was included in the 11th district, and the reasons before stated indicate that the great majority of the votes there cast were either illegal or fictitious. In the counties to which our examination extended, there were 857 illegal votes cast, as near as the proof will enable us to determine.

Abstract of poll-books of October 1, 1855.

Counties.	Townships.	No. of votes cast for J. W. Whitfield.	Scattering.	Total votes cast.	No. of legal votes.	No. of illegal votes.
Atchison.....	Grasshopper.....	7				
	Skannon.....	131	4	219		
Bourbon.....		242		242	50	192
Brown.....		4		4	4	
Calhoun.....		29		29	29	
Davis.....		8	4	14	12	
Doniphan.....	Burr Oak.....	42			41	1
	Iowa.....	31			31	
	Wayne.....	66			62	4
	Washington.....	59			59	
	Wolf River.....	53		251	53	
Douglas.....	Franklin.....	86			23	63
	Lawrence.....	42			42	
	Lecompton.....	101				
	Willow Springs.....	103		332	53	50
Franklin.....		15		15	15	

(8) B. C. Westfall.

(9) G. F. Warren, H. Miles Moore.

(10) J. W. Stephens.

ABSTRACT—Continued.

Counties.	Townships.	No. of votes cast for J. W. Whitfield.	Scattering.	Total votes cast.	No. of legal votes.	No. of illegal votes.
Jefferson.....	.....	42	3	45	.....	.....
Johnson.....	.....	190	.....	190	90	100
Leavenworth.....	Alexandria.....	42	.....	.....	.....	.....
	Delaware.....	239	.....	.....	.....	.....
	Kickapoo.....	150	1	.....	.....	50
	Leavenworth.....	212	.....	.....	.....	100
	Wyandott.....	246	5	895	.....	.....
Lykens.....	.....	220	.....	220	70	150
Lynn.....	.....	67	.....	67	.....	.....
Madison.....	(See Wise county.)	.....	.....	.....	.....	.....
Marshall.....	.....	171	.....	171	24	147
Nemaha.....	.....	6	.....	6	6	.....
Riley.....	.....	28	.....	28	28	.....
Shawnee.....	One Hundred and Ten.....	23	.....	.....	23	.....
	Tecumseh.....	52	.....	75	52	.....
Wise.....	Council Grove.....	14	.....	14	14	.....

THE STATE MOVEMENTS.

While the alleged legislative assembly was in session, a movement was instituted to form a State government, and apply for admission into the Union as a State. The first step taken by the people of the Territory, in consequence of the invasion of March 30, 1855, was the circulation, for signature, of a graphic and truthful memorial to Congress. Your committee find that every allegation in this memorial has been sustained by the testimony. No further step was taken, as it was hoped that some action by the general government would protect them in their rights. When the alleged legislative assembly proceeded to construct the series of enactments referred to, the settlers were of opinion that submission to them would result in entirely depriving them of the rights secured to them by the organic law. Their political condition was freely discussed in the Territory during the summer of 1855. Several meetings were held in reference to holding a convention to form a State government, and to apply for admission into the Union as a State. Public opinion gradually settled in favor of such an application to the Congress to meet in December, 1855. The first general meeting was held in Lawrence, on the 15th of August, 1855. The following preamble and resolution were there passed:

"Whereas the people of Kansas have been since its settlement, and now are, without any law-making power, therefore be it

"Resolved, That we, the people of Kansas Territory, in mass meeting assembled, irrespective of party distinctions, influenced by com-

mon necessity, and greatly desirous of promoting the common good, do hereby call upon and request all *bona fide* citizens of Kansas Territory, of whatever political views or predilections, to consult together in their respective election districts, and in mass convention or otherwise elect three delegates for each representative to which said election district is entitled in the house of representatives of the legislative assembly, by proclamation of Governor Reeder of date 10th of March, 1855; said delegates to assemble in convention at the town of Topeka, on the 19th day of September, 1855, then and there to consider and determine upon all subjects of public interest, and particularly upon that having reference to the speedy formation of a State constitution, with an intention of an immediate application to be admitted as a State into the Union of the United States of America."

Other meetings were held in various parts of the Territory, which endorsed the action of the Lawrence meetings, and delegates were selected in compliance with its recommendations.

They met at Topeka on the 19th day of September, 1855. By their resolutions they provided for the appointment of an executive committee, to consist of seven persons, who were required to "keep a record of their proceedings, and shall have a general superintendence of the affairs of the Territory, so far as regards the organization of a State government." They were required to take steps for an election to be held on the second Tuesday of the October following, under regulations imposed by that convention "for members of a convention to form a constitution, adopt a bill of rights for the people of Kansas, and take all needful measures for organizing a State government preparatory to the admission of Kansas into the Union as a State." The rules prescribed were such as usually govern elections in most of the States of the Union, and in most respects were similar to those contained in the proclamation of Governor Reeder for the election of March 30, 1855.

The executive committee appointed by that convention accepted their appointment, and entered upon the discharge of their duties by issuing a proclamation, addressed to the legal voters of Kansas, requesting them to meet at their several precincts at the time and places named in the proclamation, then and there to cast their ballots for members of a constitutional convention, to meet at Topeka on the 4th Tuesday of October then next.

The proclamation designated the places of elections, appointed judges, recited the qualifications of voters, and the appointment of members of the convention.

After this proclamation was issued public meetings were held in every district in the Territory, and in nearly every precinct. The State movement was a general topic of discussion throughout the Territory, and there was but little opposition exhibited to it. Elections were held at the time and places designated, and the returns were sent to the executive committee.

Table showing the number of voters, and the number of votes cast for delegates to the constitutional convention, October 9, 1855.

FIRST DISTRICT.

Candidates.	Precincts.			Total.
	Blanton.	Palmyra.	Lawrence.	
Charles Robinson	67	16		
J. H. Lane	70			
S. W. Smith	70	16		
J. K. Goodin	61	16		
Edward Jones	30	16		
Morris Hunt	72	16		
Abraham Still	40			
Total	74	16	558*	648

* The poll-books of Lawrence precinct were not among the others, and are either mislaid or lost. The number of votes cast was 558.*

SECOND DISTRICT.

Candidates.	Precincts.		Total.
	Benicia.	Bloomington.	
A. Curtis	27	116	143
H. Benton	27	116	143
J. A. Wakefield	24	116	140
J. M. Turner	27	116	143
Total	27	116	143

THIRD DISTRICT.

Candidates.	Precincts.					Total.
	Tecumseh.	Camp Creek.	Topeka.	Washington.	Brownsville.	
W. Y. Roberts	31	7	94	33	19	184
C. K. Holliday	31	7	104	33	19	194
J. Cowles			14			14
H. H. Wentworth			12			12
Edward Segraves			2			2
Scattering			3			3
P. C. Schuyler					5	5
Total	31	7	119	33	24	214

* G. P. Lowrey, M. F. Conway.

FOURTH DISTRICT.

Candidates.	Precinct.	Total.
	Wilson Springs.	
S. Mewhinney.....	55	55
Wm. Graham.....	55	55
Total	55	55

FIFTH DISTRICT.

Candidates.	Precincts.									Total.
	Big Sugar.	Pottawatomie.	Neosho.	Little Osage.	Osawatomie.	Little Sugar.	Stanton.	Alderman's.	Hampden.	
William Turner	24	49	8	16	67	32	35	8	33	272
Jas. M. Arthur.....	24	49	8	16	67	32	35	9	33	273
M. T. Morris.....	23	49	8	16	66	32	35	9	33	272
Orville C. Brown	24	49	---	16	66	32	35	---	33	255
Richard Knight	24	49	---	16	67	32	35	---	33	257
Hamilton Smith.....	23	48	---	16	66	32	35	---	---	220
Hiram Hoover	17	---	13	---	---	---	---	13	---	43
David C. Forbes.....	---	---	---	16	---	---	---	---	---	16
N. S. Nichols	---	---	---	---	3	---	---	---	---	3
Wm. S. Nichols	---	---	---	---	64	---	7	---	---	76
Isaac Woollard	---	---	---	---	---	---	29	---	---	29
Fred. Brown	24	47	---	16	64	32	35	---	33	251
Total.....	24	49	13	16	67	32	35	13	33	282

SIXTH DISTRICT.

Candidates.	Precincts.			Total.
	House of R. J. Fargird.	Scott Town.	Columbia.	
W. R. Griffin.....	12			12
John Hamilton.....	12	27		39
A. W. J. Brown.....	12			12
Wm. Saunders.....	12			12
W. J. Griffith.....		27		27
T. H. Burgess.....		24		24
A. H. Brown.....		26		26
Jas. H. Pheris.....			20	20
Total.....	12	27	20	59

SEVENTH DISTRICT.

Candidate.	Precinct.	Total.
	J. B. Titus', Council City.	
Ph. C. Schuyler.....	60	60
Total.....	62	62

EIGHTH DISTRICT.

Candidates.	Precinct.	Total.
	Waubunassa.	
J. H. Pillsbury.....	27	27
P. C. Schuyler.....	27	27
Total.....	27	27

NINTH DISTRICT.

Candidates.	Precinct.	Total.
	Pawnee.	
Robert Klotz.....	53	53
A. Hunting.....	54	54
Total.....	76	76

TENTH DISTRICT.

Candidates.	Precincts.		Total.
	Rock Creek.	Big Blue.	
Dr. A. Hunting	30	64	94
Robert Klotz	30	73	103
Total.....	30	80	110

ELEVENTH DISTRICT.

No return except Black Vermillion precinct—total, 14.

TWELFTH DISTRICT.

Candidates.	Precincts.		Total.
	St. Mary's.	Silver lake.	
M. F. Conway	19	12	31
Jos. F. Coles.....		18	18
J. S. Thompson.....		21	21
Total.....	19	21	40

KANSAS AFFAIRS.

THIRTEENTH DISTRICT.

Candidates.	Precincts.		Total.
	Falls.	Pleasant Hill.	
Geo. S. Hillyer	43	-----	43
Wm. Grigsbee	41	-----	41
Wm. Hicks	-----	43	43
J. Whiting	-----	43	43
Total	43	43	86

FOURTEENTH DISTRICT.

Candidates.	Precincts.				Total.
	Palermo.	Burr Oak.	Doniphan.	Wolf River.	
G. A. Cutler	40	33	42	18	133
Jno. Landes	40	33	42	18	133
D. M. Field	40	33	42	18	133
C. M. Stewart	39	33	42	18	132
Total	40	33	42	18	133

FIFTEENTH DISTRICT.

Candidates.	Precincts.		Total.
	Crosby's Store.	Precinct.	
Caleb May	29	-----	29
R. H. Crosby	29	-----	29
Stanford McDaniel	-----	30	30
Jas. S. Sayle	-----	30	30
H. B. Gale	-----	28	28
Ch. S. Foster	-----	2	2
Total	29	30	59

SIXTEENTH DISTRICT.

Candidates.	Precincts.					Total.
	Leavenworth.	Wyandott.	Ridge.	Easton.	Delaware.	
M. J. Parrott.....	492	38	47	61	22	660
M. W. Delahay.....	495	38	47	61	22	663
Matt. Franco.....	493	38	47	61	22	661
S. W. Lattie.....	493	38	47	61	22	661
Robert Riddle.....	493	38	47	61	22	661
D. Dodge.....	493	38	47	61	22	661
Total.....	514	38	47	63	22	684

SEVENTEENTH DISTRICT.

Candidates.	Precincts.		Total.
	Mission.	Wakarusa.	
William Graham.....	13	5	18
Samuel Mewhinney.....	13	5	18
Total.....	13	5	18

RECAPITULATION.

Votes cast in first district.....	648	Votes cast in eleventh district.....	14
second district.....	143	twelfth district.....	40
third district.....	214	thirteenth district.....	86
fourth district.....	55	fourteenth district.....	133
fifth district.....	282	fifteenth district.....	59
sixth district.....	59	sixteenth district.....	684
seventh district.....	62	seventeenth district ..	18
eighth district.....	27		
ninth district.....	76	Total.....	2,710
tenth district.....	110		

The result of the election was proclaimed by the executive committee, and the members elect were required to meet on the 23d day of October, 1855, at Topeka. In pursuance of this proclamation and direction the constitutional convention met at the time and place appointed, and framed a State constitution. A memorial to Congress was also prepared, praying the admission of Kansas into the Union as a State under that constitution. The convention also provided that the question of the adoption of the constitution, and other questions, be submitted to the people, and required the executive committee to take the necessary steps for that purpose.

Accordingly an election was held for that purpose on the 15th day of December, 1855, in compliance with the proclamation issued by the

executive committee. The returns of this election were made by the executive committee, and an abstract of them is contained in the following table:

Abstract of the election on the adoption of the State Constitution, December 15, 1855.

Districts.	Precincts.	Constitution.	No Constitution.	General banking law.		Exclusion of negroes and mulattoes.		No. of votes cast.
				Yes.	No.	Yes.	No.	
1	Lawrence	348	1	225	83	133	223	356
	Blanton	72	2	59	14	48	20	76
	Palmyra	11		9	3	12		12
2	Franklin	48		31	15	48	2	53
	Bloomington	137		122	11	113	15	137
	East Douglas	18		13	4	14	4	18
3	Topeka	135		125	9	69	64	136
	Washington	42		41	1	42		42
	Brownsville	24		22	2	22	2	24
4	Tecumseh	35		23	11	35		35
	Prairie City	72		39	33	69	3	72
	Little Osage	21	7	16	12	23	7	31
6	Big Sugar	18	2	5	16	20		21
	Neosho	12		6	6	12		12
	Pottawatomie	39	3	21	19	25	18	43
7	Little Sugar	42	18	33	13	42	2	60
	Stanton	32		4	33	33	5	37
	Osawatomie	56	1	33	20	38	17	59
8	Titus	39	5	32	7	25	15	44
	Juniata	30		23	6	10	19	31
	Ohio City	21		16	5	20	1	21
9	Mill Creek	20			20	20		20
	St. Mary's	14			14	14		14
	Waubesa	19		17	1	7	11	19
10	Pawnee	45		15	29	40	5	45
	Grasshopper Falls	54		19	34	50	3	54
	Doniphan	22	2	5	14	21		22
11	Burr Oak	23		7	16	22	1	23
	Jesse Padons'	12		1	11	12		12
	Oceana	23		8	20	28		28
13	Kickapoo	20		7	13	16	4	20
	Pleasant Hill	47		37	6	45	1	47
	Indianola	19			18	19		19
14	Whitfield	7		3	4	6		7
	Wolf River	24		11	12	18	6	
	St. Joseph's Bottom	15		4	9	14	1	15
15	Mount Pleasant	32		32	1	30	2	33
16	Easton	71	2	53	19	71		73
17	Mission	7		3		1	2	7
Total		1,731	46	1,120	564	1,287	453	1,778

NOTE.—The poll-book at Leavenworth was destroyed. The vote cast there October 9, 1855, was 514.

ELECTION OF JANUARY 15, 1856.

The executive committee then issued a proclamation reciting the results of the election of the 15th of December, and at the same time provided for an election to be held on the 15th day of January, 1856, for State officers and members of the general assembly of the State of Kansas. The election was accordingly held in the several election precincts, the returns of which were sent to the executive committee. An abstract of them is contained in the following table.

Election of January 15, 1856.

56

KANSAS AFFAIRS

Precincts.	Governor.		Lt. governor.		Sec. of State.		Auditor.		Treasurer.		Att'y gen'l.	Supreme judges.					Rep. S. court.		Clerk S. c't.	Printer.		Rep. to Cong.	
	C. Robinson.	W. Y. Roberts.	W. Y. Roberts.	M. J. Parrott.	P. C. Schuyler.	C. K. Holliday.	G. A. Cutler.	W. R. Griffith.	J. A. Wakefield.	E. C. K. Garvey.	H. Miles Moore.	M. Hunt.	S. N. Latta.	M. F. Conway.	G. W. Smith.	S. W. Johnson.	J. A. Wakefield.	S. B. McKenzie.	E. M. Thurston.	S. B. Floyd.	John Speer.	R. G. Elliott.	M. W. Delehay.
Washington	1	29	32	29	1	29	1	29	1	29	30	1	3	1	29	29	27	29	1	30	1	29	30
Doniphan	32	29	32	29	32	29	31	29	32	29	32	32	31	31	29	29	27	29	32	32	32	29	32
Ossawatimie	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19
Osage	66	6	66	7	66	7	66	7	64	8	75	66	73	65	7	7	7	7	66	76	70	7	7
Easton	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24	24
Burr Oak	49	1	49	50	49	49	49	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50	50
St. Joseph's Bottom	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27	27
Fadon's House	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36	36
Wolf River	28	3	28	3	28	3	28	3	28	3	31	29	27	28	4	4	3	28	31	31	31	3	31
East Douglas	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31	31
Stanton	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39	39
Pottawatomie	28	4	28	4	28	4	28	4	28	4	82	28	32	28	4	4	4	28	32	32	4	4	4
Titus	52	25	42	33	55	23	54	24	55	17	78	55	55	55	23	23	23	20	55	77	54	24	77
Blanton	24	50	25	45	27	37	27	45	27	38	72	27	27	27	45	45	45	45	27	70	25	45	45
Prairie City	42	2	43	2	43	2	43	2	43	2	45	43	43	43	2	2	2	43	43	43	43	2	44
Pleasant Hill	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Mission	26	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25	25
Palmyra	8	58	5	59	8	58	8	58	8	58	66	8	8	8	57	57	48	58	3	66	8	58	66
Franklin	33	35	35	35	35	35	34	35	34	35	34	34	34	34	34	34	34	34	34	34	34	34	34
Little Sngar Creek	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19
Little Osage Creek	83	61	61	64	77	66	83	62	89	48	145	84	141	84	61	61	61	61	84	145	96	48	135
Topeka	1	34	1	34	1	34	1	34	8	24	35	1	25	1	34	34	34	34	34	35	1	34	34
Tecumseh	3	23	3	23	23	23	3	23	29	51	65	14	14	14	51	51	51	51	14	65	14	51	65
Brownsville	14	51	6	59	14	51	14	51	14	7	94	7	94	101	94	7	7	94	101	94	7	100	100
Kiekapoo	94	7	94	7	94	7	94	7	94	7	94	7	94	36	426	383	379	371	62	48	33	46	384
Leavenworth	365	41	176	245	383	43	380	13	13	13	13	13	13	13	14	14	10	14	10	13	14	14	13
Lawrence	1	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	10	14	10	13	14	14	13
Neosho	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Slough Creek	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Wyandott	1	1	34	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35	35
	1296	410																					1628

• Anthony Floyd.

The result of this election was announced by a proclamation by the executive committee.

In accordance with the constitution thus adopted, the members of the State legislature, and most of the State officers, were on the day and at the place designated by the State constitution, and took the oath therein prescribed. After electing United States senators, passing some preliminary laws, and appointing a codifying committee, and preparing a memorial to Congress, the general assembly adjourned to meet on the 4th day of July, 1856. The laws passed were all conditional upon the admission of Kansas as a State into the Union. These proceedings were regular, and, in the opinion of your committee, the constitution thus adopted fairly expresses the will of the majority of the settlers. They now await the action of Congress upon their memorial.

These elections were not illegal. Whether the result of them is sanctioned by the action of Congress, or they are regarded as the mere expression of popular will, and Congress should refuse to grant the prayer of the memorial, that cannot affect their legality. The right of the people to assemble and express their political opinion in any form, whether by means of an election or a convention, is secured to them by the constitution of the United States. Even if the elections are to be regarded as the act of a party, whether political or otherwise, they were proper, and in accordance with examples in both States and Territories.

The elections, however, were preceded and followed by acts of violence on the part of those who opposed them, and those persons who approved and sustained the invasion from Missouri were peculiarly hostile to these peaceful movements preliminary to the organization of a State government. Instances of this violence will be referred to hereafter.

To provide for the election of delegates to Congress, and at the same time do it in such a manner as to obtain the judgment of the House of Representatives upon the validity of the alleged legislative assembly, sitting at Shawnee Mission, a convention was held at Big Springs on the 5th and 6th days of September, 1855. This was a party convention, and a party calling itself the free-State party was then organized. It was in no way connected with the State movement, except that the election of delegate to Congress was fixed by it on the same day as the election of members of a constitutional convention, instead of the day prescribed by the alleged legislative assembly. Andrew H. Reeder was put in nomination as Territorial delegate to Congress, and an election was provided for under the regulations prescribed for the election of March 30, 1855, excepting as to the appointment of officers and the persons to whom returns of the elections should be made. The election was held in accordance with these regulations, an abstract of the returns of which is contained in the following table.

Abstract of the election of A. H. Reeder.

Name of district.	Name of voting place.	Number of votes.
First district.....	Lawrence.....	557
	Blanton.....	77
	Palmyra.....	16
Second district.....	Bloomington.....	116
	Benicia.....	27
Third district.....	Brownsville.....	24
	Topeka.....	131
	Tecumseh.....	31
	Big Springs.....	35
Fourth district.....	Camp Creek.....	7
	Willow Springs.....	54
Fifth district.....	Lampden.....	33
	Neosho.....	16
	Stanton.....	44
	Ossawatimie.....	74
	Pottawatomie.....	56
	Big Sugar Creek.....	28
	Little Sugar Creek.....	41
	Scott-town.....	27
	Columbia.....	20
	Fuqua's.....	12
Seventh district.....	Council City.....	62
Eighth district.....	Waubousa.....	26
	A. J. Baker's.....	16
Ninth district.....	Pawnee.....	76
Tenth district.....	Big Blue.....	77
	Rock Creek.....	30
Eleventh district.....	Black Vermillion.....	14
Twelfth district.....	St. Mary's.....	19
	Silver Lake.....	28
Thirteenth district.....	Pleasant Hill.....	43
	Falls Precinct.....	45
	Hickory Point.....	11
	Burr Oak.....	33
Fourteenth district.....	Doniphan.....	43
	Palermo.....	32
	Wolf River.....	17
	Ocena.....	32
	Crosby's Store.....	39
Fifteenth district.....	Jackson Crane's.....	30
	Leavenworth.....	503
	Wyandott.....	38
	Delaware.....	22
	Easton.....	63
Sixteenth district.....	Ridge Point.....	48
	Wakarusa.....	7
	Mission.....	13
Seventeenth district.....	Iowa Point.....	40
	Moorstown.....	16
Total.....		2,849

The resolutions passed by the convention which nominated Governor Reeder, indicate the state of feeling which existed in the Territory in consequence of the invasion from Missouri and the enactments of the alleged legislative assembly. The language of some of the

resolutions is violent, and can only be justified in consequence of the attempt to enforce the grossest acts of tyranny, and for the purpose of guarding against a similar invasion in future.

In the fall of 1855, there sprang out of the existing disorder and excitement in the Territory two secret free-State societies.(1) They were defensive in their character, and were designed to form a protection to their members against unlawful acts of violence and insult. One of those societies was purely of a local character, and was confined to the town of Lawrence. Very shortly after its organization it produced its desired effect, and then went out of use and ceased to exist.(2) Both societies were cumbersome, and were of no utility except to give confidence to free-State men, and enable them to know and aid each other in contemplated danger. So far as the evidence shows, they led to no act of violence or resistance to either real or alleged laws.(3)

On the 21st day of November, 1855, F. M. Coleman, a pro-slavery man, and Charles W. Dow, a free-State man, had a dispute about the division line between their respective claims. Several hours afterwards, as Dow was passing from a blacksmith's shop towards his claim, and by the cabin of Coleman, the latter shot Dow with a double-barreled shot-gun loaded with slugs. Dow was unarmed. He fell across the road, and died immediately. This was about one o'clock p. m. His dead body was allowed to lie where it fell until after sundown, when it was conveyed by Jacob Branson to his house, at which Dow had boarded. The testimony in regard to this homicide is voluminous,(4) and shows clearly that it was a deliberate murder by Coleman, and that Harrison Buckley and a Mr. Hargous were accessories to it. The excitement caused by it was very great among all classes of the settlers. On the 26th a large meeting of citizens was held at the place where the murder was committed, and resolutions passed that Coleman should be brought to justice.(5) In the mean time Coleman had gone to Missouri, and then to Governor Shannon at Shawnee Mission, in Johnston county. He was there taken into custody by S. J. Jones, then acting as sheriff. No warrant was issued or examination had. On the day of the meeting at Hickory Point, Harrison Buckley procured a peace warrant against Jacob Branson, which was placed in the hands of Jones. That same evening, after Branson had gone to bed, Jones came to his cabin with a party of about 25 persons, among whom were Hargous and Buckley, burst open the door, and found Branson in bed. He drew his pistol, cocked it, and presented it to Branson's breast, and said: "You are my prisoner, and if you move I will blow you through." The others cocked their guns and gathered round him, and took him prisoner. They all mounted and went to Buckley's house. After a time, they went on by a circuitous route towards Blanton's bridge, stopping to

(1) Pat Laughlin, Dr. Francis, A. H. Reeder, and M. F. Conway.

(2) G. P. Lowrey and A. H. Reeder.

(3) G. P. Lowrey.

(4) Wm. J. Nichols, W. McKinney, D. T. Jones and wife, Thomas Brown, F. M. Colman, and others.

(5) W. McKinney.

"drink" on the way. As they approached the bridge there were 13 in the party, several having stopped. Jones rode up to the prisoner, and among other things told him that he "had heard there were 100 men at your house to-day," and "that he regretted they were not there, and that they were cheated out of their sport." (6) In the mean time the alarm had been given in the neighborhood of Branson's arrest, and several of the settlers, among whom were some who had attended the meeting at Hickory Point that day, gathered together. They were greatly excited. The alleged injustice of such an arrest of a quiet settler, under a peace warrant, by "sheriff Jones," aided by two men believed to be accessory to a murder, and who were allowed to be at large, exasperated them, and they proceeded as rapidly as possible by a nearer route than that taken by Jones, and stopped at the house of J. S. Abbott, one of them. They were on foot. As Jones's party approached on a canter, the rescuers suddenly formed across the road in front of Jones and his party. Jones halted and asked: "What's up?" The reply was: "That's what we want to know; what's up?" Branson said: "They have got me a prisoner." Some one in the rescuing party told him to come over to their side. He did so, and dismounted, and the mule he rode was driven over to Jones's party. Jones then left. (7) Of the persons engaged in this rescue, three were from Lawrence, and had attended the meeting. Your committee have deemed it proper to detail the particulars of this rescue, as it was made the ground-work of what is known as the "Wakarusa war." On the same night of the rescue the cabins of Coleman and Buckley were burned, but by whom is left in doubt by the testimony.

On the morning after the rescue of Branson, Jones was at the village of Franklin, near Lawrence. The rescue was spoken of in the presence of Jones, and some conversation passed between two others in his presence, as to whether it was most proper to send for assistance to Col. Boone, in Missouri, or to Gen. Shannon. Jones wrote a despatch and handed it to a messenger. As soon as he started, Jones said: "That man is taking my despatch to Missouri, and, by God, I will have revenge before I see Missouri." A person present, who was examined as a witness, (8) complained publicly that the despatch was not sent to the governor, and within half an hour one was sent to the governor by Jones through Horgous.

Within a few days large numbers of men from the State of Missouri gathered and encamped on the Wakarusa. They brought with them all the equipments of war. To obtain them, a party of men, under the direction of Judge J. T. V. Thompson, broke into the United States arsenal and armory at Liberty, Missouri, and after a forcible detention of Captain Leonard, then in charge, (9) they took the cannon, muskets, rifles, powder, hammers, and, indeed, all the materials and munitions of war they desired, some of which have never been returned or accounted for.

(6) Jacob Branson.

(7) Jacob Branson.

(8) L. A. Prather.

(9) Luther Leonard.

The chief hostility of this military foray was against the town of Lawrence; and this was especially the case with the officers of the law.

Your committee can see in the testimony no reason, excuse, or palliation for this feeling.

Up to this time no warrant or process of any kind had been in the hands of any officer against any citizen of Lawrence.(10) No arrest had been attempted, and no writ resisted in that town. The rescue of Branson sprang out of a murder committed thirteen miles from Lawrence, in a detached settlement, and neither the town nor its citizens extended any protection to Branson's rescuers.(11) On the contrary, two or three days after the rescue, S. N. Wood, who claimed publicly to be one of the rescuing party, wished to be arrested for the purpose of testing the Territorial laws, and walked up to sheriff Jones and shook hands with him, and exchanged other courtesies. He could have been arrested without any difficulty; and it was his design, when he went to Mr. Jones, to be arrested, but no offer or attempt was made to do so.(12)

It is obvious that the only cause of this hostility is the known desire of the citizens of Lawrence to make Kansas a free State, and their repugnance to laws imposed upon them by non-residents.

Your committee do not propose to detail the incidents connected with this foray. Fortunately for the peace of the county, a direct conflict between the opposing forces was avoided by an amicable arrangement. The losses sustained by the settlers in property taken, and time and money expended in their own defence, added much to the trials incident to a new settlement. Many persons were unlawfully taken and detained, in some cases under circumstances of gross cruelty. This was especially so in the arrest and treatment of Dr. G. A. Cutler and G. F. Warren. They were taken without cause or warrant, sixty miles from Lawrence, and when Dr. Cutler was quite sick. They were compelled to go to the camp at Leocompton, and were put into the custody of sheriff Jones, who had no process to arrest them. They were taken into a small room, kept as a liquor shop, which was open and very cold. That night Jones came in with others and went to "playing poker at twenty-five cents ante." The prisoners were obliged to sit up all night, as there was no room to lie down when the men were playing. Jones insulted them frequently, and told one of them he must either "tell or swing." The guard then objected to this treatment of prisoners, and Jones desisted. G. F. Warren thus describes their subsequent conduct:

"They then carried us down to their camp. Kelly, of the squatter sovereign, who lives in Atchison, came round and said he thirsted for blood, and said he should like to hang us on the first tree. Cutler was very weak, and that excited him so that he became delirious. They sent for three doctors, who came. Dr. Stringfellow was one of them. They remained there with Cutler till after midnight, and then took him up to the office, as it was very cold in camp."

(10) Wilson Shannon, Charles Robinson.

(11) G. P. Lowrey, Charles Robinson.

(12) Charles Robinson

During the foray either George W. Clark or Mr. Burns murdered Thomas Barber, while the latter was in the highway, on his road from Lawrence to his claim. Both fired at him, and it is impossible, from the proof, to tell whose shot was fatal. The details of this homicide are stated by eye-witnesses.(13)

Among the many acts of lawless violence which it has been the duty of your committee to investigate, this invasion of Lawrence is the most defenceless. A comparison of the facts proven with the official statements of the officers of the government will show how groundless were the pretexts which gave rise to it. A community in which no crime had been committed by any of its members, against none of whom had a warrant been issued or a complaint made, who had resisted no process in the hands of a real or pretended officer, was threatened with destruction in the name of "law and order," and that, too, by men who marched from a neighboring State with arms obtained by force, and who at every stage of their progress violated many laws, and among others the constitution of the United States.(14)

The chief guilt must rest on Samuel J. Jones. His character is illustrated by his language at Lecompton, where peace was made. He said Major Clark and Burns both claimed the credit of killing that damned abolitionist, and he didn't know which ought to have it. If Shannon hadn't been a damned old fool, peace would never have been declared. He would have wiped Lawrence out. He had men and means enough to do it.(15)

Shortly after the retreat of the forces from before Lawrence, the election upon the adoption of the State constitution was held at Leavenworth city, on the 15th of December, 1855. While it was proceeding quietly, about noon, Charles Dunn, with a party of others, smashed in the window of the building in which the election was being held, and they jumped into the room where the judges of election were sitting and drove them off.(16)

One of the clerks of election snatched up the ballot-box and followed the judges, throwing the box behind the counter of an adjoining room, through which he passed on his way out. As he got to the street-door, Dunn caught him by the throat and pushed him up against the outside of the building, and demanded the ballot-box.(17) Then Dunn and another person struck him in the face, and he fell into the mud; the crowd rushed on him, and kicked him on the head and in his side.(18) In this manner the election was broken up, Dunn and his party obtaining the ballot-box and carrying it off.

To avoid a similar outrage at the election for State officers, &c., to be held on the 15th of January, 1856, the election for Leavenworth district was appointed to be held at Easton, and the time postponed until the 17th day of February, 1856.(19) On the way to the elec-

(13) Robert T. Barber, Thomas W. Parson, Jane W. Colborn, and others.

(14) Article four of the amendments.

(15) Harrison Nichols.

(16) George Wetherell, George H. Keller.

(17) George Wetherell.

(18) George Wetherell, George W. Hollis.

(19) J. C. Green, Henry G. Adams, Joseph H. Reed.

tion persons were stopped by a party of men at a grocery, and their guns taken from them. During the afternoon parties came up to the place of election and threatened to destroy the ballot-box, and were guilty of other insolent and abusive conduct.(20) After the polls were closed, many of the settlers being apprehensive of an attack, remained in the house where the election had been held, until the next morning. Late that night Stephen Sparks, with his son and nephew, started for home, his route running by the store of a Mr. Dawson, where a large party of armed men had collected. As he approached, these men demanded that he should surrender, and gathered around him to enforce the demand.(21) Information was carried by a man in the company of Mr. Sparks to the house where the election had been held. R. P. Brown and a company of men immediately went down to relieve Mr. Sparks, and did relieve him, when he was in imminent danger.(22) Mr. Sparks then started back with Mr. Brown and his party, and while on their way they were fired upon by the other party. They returned the fire, and an irregular fight then ensued, in which a man by the name of Cook, of the pro-slavery party, received a mortal wound, and two of the free-State party were slightly wounded.

Mr. Brown, with seven others who had accompanied him from Leavenworth, started on their return home. When they had proceeded a part of their way, they were stopped and taken prisoners by a party of men called the "Kickapoo Rangers," under the command of Captain John W. Martin. They were disarmed and taken back to Easton, and put in Dawson's store.(23) Brown was separated from the rest of his party and taken into the office of Dr. E. S. Motter.(24) By this time several of Martin's party, and some of the citizens of the place, had become intoxicated, and expressed a determination to kill Brown.(25) Captain Martin was desirous to, and did do all in his power to save him. Several hours were spent in discussing what should be done with Brown and his party. In the mean time, without the knowledge of his party, Captain Martin liberated all of Brown's party but himself, and aided them in their escape.(26) The crowd repeatedly tried to get in the room where Brown was, and at one time succeeded, but were put out by Martin and others. Martin, finding that further effort on his part to save Brown was useless, left and went home. The crowd then got possession of Brown, and finally butchered him in cold blood. The wound of which he died was inflicted with a hatchet by a man of the name of Gibson. After he had been mortally wounded, Brown was sent home with Charles Dunn, and died that night. No attempt was made to arrest or punish the murderers of Brown. Many of them were well known citizens, and some of them were officers of the law. On the next grand jury, which sat in Leavenworth county, the sheriff summoned several

(20 and 21) Stephen Sparks.

(22) George A. Taylor, Stephen Sparks, J. H. Bird.

(23) Henry J. Adams, George A. Taylor, M. P. Rively, John W. Martin, Wiley Williams.

(24) Henry J. Adams, J. W. Martin.

(25) Wiley Williams, J. W. Martin, H. J. Adams

(26) H. J. Adams, G. A. Taylor, J. H. Bird, W. Williams.

of the persons implicated in this murder.(27) One of them was M. P. Rively, at that time treasurer of the county. He has been examined as a witness before us. The reason he gives why no indictments were found is, "they killed one of the pro-slavery men, and the pro-slavery men killed one of the others, and I thought it was about mutual." The same grand jury, however, found bills of indictment against those who acted as judges of the free-State election. Rively says: "I know our utmost endeavors were made to find out who acted as judges and clerks of the election of the 17th of January last, and at all the bogus elections held by the abolitionists here. We were very anxious to find them out, as we thought they acted illegally."

Your committee in their examinations have found that in no case of crime or homicide mentioned in this report, or in the testimony, has any indictment been found against the guilty party, except in the homicide of Clark by McCrea; McCrea being a free-State man.

Your committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment; but as some of these events tended seriously to embarrass, hinder, and delay their investigations, they deem it proper here to refer to them. On their arrival in the Territory, the people were arrayed in two hostile parties. Their hostility continually increased during our stay in the Territory, by the arrival of armed bodies of men, who from their equipments came not to follow the peaceful pursuits of life, but armed and organized into companies apparently for war, by the unlawful detention of persons and property while passing through the State of Missouri, and by frequent forcible seizures of persons and property in the Territory without legal warrant. Your committee regret that they were compelled to witness instances of each of those classes of outrages. While holding their session at Westport they saw several bodies of armed men, confessedly citizens of Missouri, march into the Territory on forays against its citizens, but under the pretence of enforcing the enactments before referred to. The wagons of emigrants were stopped in the highways, searched without claim of legal process, and in some instances all their property taken from them. In Leavenworth city, leading citizens were arrested at noon-day in presence of members of your committee, by an armed force, without any claim of authority, except that derived from a self-constituted committee of vigilance, many of whom were legislative and executive officers. Some were released on promising to leave the Territory; and others, after being detained for a time, were formally notified to leave, under the severest penalties.

The only offence charged against them was their political opinions, and no one was thus arrested for alleged crime of any grade.

Resistance to these lawless acts was not made by the settlers, because, in their opinion, the persons engaged in them would have been sustained and reinforced by the citizens of the populous border counties of Missouri, from whence they were only separated by the

(27) M. P. Rively.

river. In one case witnessed by one of your committee, an application for the writ of habeas corpus was prevented by the urgent solicitation of pro-slavery men, who insisted that it would endanger the life of the prisoner to be discharged under legal process.

While we remained in the Territory, repeated acts of outrage were committed upon quiet, unoffending citizens, of which we received authentic intelligence. Men were attacked in the highway, robbed, and subsequently imprisoned; others were seized and searched, and their weapons of defence taken from them without compensation. Horses were frequently taken and appropriated. Oxen were taken from the yoke while ploughing, and butchered in the presence of their owners. A minister was seized in the streets of the town of Atchison, and, under circumstances of gross barbarity, was tarred and cottoned, and in that condition was sent to his family. All the provisions of the constitution of the United States securing persons and property were utterly disregarded. The officers of the law, instead of protecting the people, in some instances were engaged in these outrages, and in no instance did we learn that any man was arrested, indicted, or punished for any of these crimes. While such offences were committed with impunity, the laws were used as a means of indicting men for holding elections preliminary to framing a constitution, and applying for admission into the Union as the State of Kansas. Charges of high treason were made against prominent citizens upon grounds which seem to your committee absurd and ridiculous; and under these charges they are now held in custody, and are refused the privilege of bail. In several cases men were arrested in the State of Missouri while passing on their lawful business through that State, and detained until indictments could be found in the Territory.

These proceedings were followed by an offence of still greater magnitude. Under color of legal process, a company of about 700 armed men, the great body of whom your committee are satisfied were not citizens of the Territory, were marched into the town of Lawrence, under marshal Donaldson and sheriff Jones, officers claiming to act under the law, and then bombarded and burned to the ground a valuable hotel and one private house, destroyed two printing-presses and material, and then, being released by the officers whose posse they claimed to be, proceeded to sack, pillage, and rob houses, stores, trunks, &c., even to the clothing of women and children. Some letters thus unlawfully taken were private ones, written by the contesting delegate, and they were offered in evidence. Your committee did not deem that the persons holding them had any right thus to use them, and refused to be made the instruments to report private letters thus obtained.

This force was not resisted because it was collected and marshalled under the forms of law. But this act of barbarity, unexampled in the history of our government, was followed by its natural consequences. All the restraints which American citizens are accustomed to pay, even to the appearance of law, were thrown off. One act of violence led to another; homicides became frequent. A party, under H. C. Pate, composed chiefly of citizens of Missouri, were taken prisoners by a party of settlers, and while your committee were at Westport, a com-

pany, chiefly of Missourians, accompanied by the sitting delegate, went to relieve Pate and his party. A collision was prevented by the United States troops. Civil war seemed impending in the Territory. Nothing can prevent so great a calamity but the presence of a large force of United States troops, under a commander who will, with prudence and discretion, quiet the excited passions of both parties, and expel with force the lawless band of men coming from Missouri and elsewhere, who, with criminal pertinacity, infest the Territory. In some cases, and as to one entire election district, the condition of the country prevented the attendance of witnesses, who were either arrested and detained while, or deterred from, obeying our process. The sergeant-at-arms who served the process upon them was himself arrested and detained for a short time, by an armed force claiming to be a part of the posse of the marshal, but was allowed to proceed upon an examination of his papers, and was furnished with a pass signed by "Warren D. Wilkes, of South Carolina." John Upton, another officer of the committee, was subsequently stopped by a lawless force on the borders of the Territory, and after being detained and treated with great indignity, was released. He, also, was furnished with a pass, signed by two citizens of Missouri, and addressed to "pro-slavery men." By reason of these disturbances we were delayed in Westport, so that while in session there our time was but partially occupied.

But the obstruction which created the most serious embarrassment to your committee was the attempted arrest of Gov. Reeder, the contesting delegate, upon a writ of attachment issued against him by Judge Lecompte, to compel his attendance as a witness before the grand jury of Douglas county. William Fane, recently from the State of Georgia, and claiming to be the deputy marshal, came into the room of the committee while Gov. Reeder was examining a witness before us, and producing the writ, required Gov. Reeder to attend him. Subsequent events have only strengthened the conviction of your committee, that this was a wanton and unlawful interference by the judge who issued the writ, tending greatly to obstruct a full and fair investigation. Gov. Reeder and Gen. Whitfield alone were fully possessed of that local information which would enable us to elicit the whole truth, and it was obvious to every one that any event which would separate either of them from the committee would necessarily hinder, delay, and embarrass it. Gov. Reeder claimed, that under the circumstances in which he was placed, he was privileged from arrest, except for treason, felony, or breach of the peace. As this was a question of privilege, proper for the courts, or for the privileged person alone to determine, on his peril, we declined to give him any protection, or take any action in the matter. He refused to obey the writ, believing it to be a mere pretence to get the custody of his person; and fearing, as he alleged, that he would be assassinated by lawless bands of men then gathering in and near Lecompte, he then left the Territory.

Subsequently H. Miles Moore, an attorney in Leavenworth city, but for several years a citizen of western Missouri, kindly furnished the committee information as to the residence of persons voting at the

elections; and in some cases examined witnesses before us. He was arrested on the streets of that town by an armed band of about 30 men, headed by W. D. Wilkes, without any color of authority, confined with other citizens under a military guard for 24 hours, and then notified to leave the Territory. His testimony was regarded as important, and upon his sworn statement that it would endanger his person to give it openly, the majority of your committee deemed it proper to examine him *ex parte*, and did so.

By reason of these occurrences the contestant, and the party with and for whom he acted, were unrepresented before us during a greater portion of the time; and your committee were required to ascertain the truth in the best manner they could.

Your committee report the following facts and conclusions as established by the testimony:

First. That each election in the Territory, held under the organic or alleged Territorial law, has been carried by organized invasion from the State of Missouri, by which the people of the Territory have been prevented from exercising the rights secured to them by the organic law.

Second. That the alleged Territorial legislature was an illegally constituted body, and had no power to pass valid laws, and their enactments are therefore null and void.

Third. That these alleged laws have not, as a general thing, been used to protect persons and property, and to punish wrong, but for unlawful purposes.

Fourth. That the election under which the sitting delegate, John W. Whitfield, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him.

Fifth. That the election, under which the contesting delegate, Andrew H. Reeder, claims his seat, was not held in pursuance of law, and that it should be regarded only as the expression of the resident citizens who voted for him.

Sixth. That Andrew H. Reeder received a greater number of votes of resident citizens than John W. Whitfield, for delegate.

Seventh. That in the present condition of the Territory a fair election cannot be held without a new census, a stringent and well-guarded election law, the selection of impartial judges, and the presence of United States troops at every place of election.

Eighth. That the various elections held by the people of the Territory preliminary to the formation of the State government, have been as regular as the disturbed condition of the Territory would allow; and that the constitution passed by the convention, held in pursuance of said elections, embodies the will of a majority of the people.

As it is not the province of your committee to suggest remedies for the existing troubles in the Territory of Kansas, they content themselves with the foregoing statement of facts.

All of which is respectfully submitted.

WM. A. HOWARD.
JOHN SHERMAN

MINORITY REPORT.

MINORITY REPORT.

JULY 11, 1856.—Ordered to be printed.

Mr. MORDECAI OLIVER, from the Select Committee, submitted the following views of the minority.

The undersigned, member of the committee of three appointed by the House of Representatives to investigate the state of affairs in Kansas, disagreeing with the views and conclusions of his two colleagues, in the written statement submitted by them touching the result of their investigations, begs leave, under the permission of the House, to present a counter-statement.

The authority under which the committee acted was an order of this House, passed the 19th of March last, directing them to "proceed to inquire into, and collect evidence in regard to, the troubles in Kansas generally, and particularly in regard to any fraud or force attempted or practised in reference to any of the elections which have taken place in said Territory, either under the law organizing said Territory or any pretended law which may be alleged to have taken effect there since; and when the investigation was completed, to report the evidence so collected to the House."

Under this resolution the committee entered upon the discharge of the duties imposed on them with as much dispatch as possible. Their labors were closed at Westport, Missouri, on the 9th of June, 1856. The paper in the nature of a report, drawn up by the colleagues of the undersigned on the committee, was not read to or by him, and he knew nothing of its contents or character until it was presented to the House. It was not the expectation of the undersigned that any other report would be submitted by them than the testimony taken. A full execution of the commission of the House, he thought, was the presentation of the evidence collected. But as the majority of the committee have thought proper to comment on the character of the testimony, and to give their version of the substance of the facts, which is altogether at variance from his understanding of both, the undersigned feels it incumbent on him to follow their example, by presenting like comments on his part.

It must have been apparent to all, that the report of the majority was not only *ex parte* and one-sided, but highly partisan in its character from beginning to end. This appears all through the paper, in the manner of their statement of all things referred to by them, as facts, many of which statements of facts thus made rest upon no evidence whatever collected by the committee

To justify this remark, the undersigned will, in the beginning of what he has to offer, barely allude to a few statements in the report of the majority, from which its whole character may be judged. It is, for instance, said by the majority, that "a party under H. C. Pate, composed *chiefly of citizens of Missouri*, were taken prisoners by a party of settlers; and while your committee were at Westport, a company, *chiefly of Missourians*, accompanied by the sitting delegate, went to relieve Pate and his party, and a collision was prevented by the United States troops."

Now, the undersigned affirms most positively that this statement has not one particle of proof, taken before the committee, to rest upon! There is no testimony in the whole mass collected by the committee on that matter—none at all. But the undersigned affirms, that, in his opinion, and according to the best of his information and belief, the fact is contrary to the statement of the majority; at all events, so far as relates to Captain Pate. Since that report has been made, under indulgence granted by this House, testimony has been taken on that point, from which it is made very clearly to appear that this statement, made without proof in the first instance, was founded wholly in error. Captain Pate himself—a man of character and integrity—swears that, to the best of his knowledge, "not one of them were citizens of Missouri." This deposition the undersigned here refers to, without spreading it out at large, and makes it a part of his report as fully and completely as if it were given in full in this place.

Again. The statement about the "young man being seized in the town of Atchison, and, under circumstances of gross barbarity, tarred and cottoned, and in that condition sent to his family," is entirely unsustained by any proof in the mass of that taken by the committee. It is true, testimony was taken as to alleged facts of this character; but when it was proposed to go fully into the investigation of the whole truth of such charges, and not to rest them on *ex parte* statements alone, the majority of the committee abandoned the investigation, and struck out the testimony which they had taken. But the undersigned has not time to go on with such specifications. He will here barely add, that all like statements in the report, as to the existing condition of the Territory, are wholly gratuitous and unsupported by any testimony taken by the committee. For the correctness of what he now affirms, the undersigned appeals to the testimony on file; and to counteract the impression of such statements by the majority of the committee, he begs leave to refer to the sworn depositions hereto appended and made part of his report, as fully as if the same were set forth at large.

The undersigned affirms, most positively and distinctly, that the testimony taken by the committee contains no matter going to disprove or deny in the slightest degree these great, leading, and controlling facts in the merits of the controversy which gave rise to the organization of this committee, to wit: that an election for a Territorial legislature was held in Kansas Territory on the 30th of March, 1855, in pursuance of the proclamation of A. H. Reeder, governor of the Territory under the organic law; that, in that proclamation, the time and places of voting were set forth; that the judges of election

were appointed by him, with instructions as to how their places were to be filled if they or any of them refused or failed to act; that he reserved the power to himself to judge, in the first instance, of the election returns, and that he did so act; that the returns were made to him, and he did set aside the election of but nine members of the twenty-six elected to the house of representatives, and three of the thirteen elected to the council, and gave his certificate of election to the other seventeen members of the house, and ten members of the council, being a majority of both branches of the legislature; that he ordered new elections in those districts where he had set aside the returns; that the governor convened the legislature, thus constituted, according to law, on the 1st of July, 1855, and communicated with them officially after they were organized, and recognised them as a legally and properly constituted law-making body; and never, until August, 1855, after he was removed from the office of governor, did he object to the election of a majority of the legislature, both in the council and in the house of representatives, to whom he had previously given certificates.

These great leading and essential facts, upon which the validity or invalidity of laws, or "*pretended laws*," of Kansas must rest, are not denied, or even assailed, by a particle of testimony taken by the committee; and, with these facts unassailed and unimpeached, it is beyond the comprehension of the undersigned how the majority could come to the conclusion that the laws passed by the Territorial legislature were null and void in consequence of any illegality, even if such had been proved, in the election of its members. All questions relating to that election were closed by their waiver at the proper time, and without an investigation by the proper authority. This is a well-fixed principle in all our representative institutions; upon it they all rest, and with the correctness of it Governor Reeder himself seems to be duly impressed. This the testimony clearly discloses. In a letter found in the streets of Lawrence, and proven before the committee to be in the hand-writing of Governor Reeder, and bearing his genuine signature, dated in this city on the 12th of February, 1856, and addressed to a friend of his in Kansas Territory, he says:

"As to putting a set of laws in operation in opposition to the Territorial government, my opinion is confirmed instead of being shaken; my predictions have all been verified so far, and will be in the future.

We will be, so far as legality is concerned, in the wrong; and that is no trifling matter, in so critical a state of things, and in view of such bloody consequences. * * * * * I may speak my plain and private opinion to our friends in Kansas, for it is my duty. But to the public, as you will see by my published letter, I show no divided front."

This letter, and another also found, were addressed, as it is understood, to Grosvenor P. Lowrey, his friend, and formerly his private secretary, while he was governor of Kansas; and so important a bearing had they upon the main facts of the case, which are the *legality of the Territorial legislature and their enactments*, that the majority of the committee, after they had admitted them as evidence, as it was clearly understood by all parties, attempted to reject them. The following is their action in regard to them:

"The counsel for J. W. Whitfield, having at Leavenworth city offered in evidence before the committee two letters written by A. H. Reeder—the one dated Washington, January 20, 1856, the other dated Washington, February 12, 1856—and, before offering the said letters, their authenticity, both as to the signature and hand-writing in the body of said letters, was proved to be the proper hand-writing and signature of A. H. Reeder, and of which facts the committee were satisfied; but a majority of the committee—Messrs. Howard and Sherman—not being satisfied, at the time, of the propriety of the admission of such evidence, took the matter under consideration; and now, at this day, at the sitting of the committee at Westport, the question of the admission of said letters as evidence came up for consideration and decision, and a majority of the committee, Messrs. Howard and Sherman—Mr. Oliver dissenting—decline to receive said letters in evidence, and to be engrafted into and to constitute a portion of the evidence taken by the committee in their investigations, upon the ground that they, the committee, have not the rightful possession of them; they having been found in the street, and being clearly private letters, or so declared to be by the majority of the committee. The said majority of the committee take no objection to the relevancy or competency of said letters as evidence; but place their objection solely upon the grounds above stated, not denying that said letters might be evidence against said A. H. Reeder in a criminal prosecution. The committee admit that the copies of said letters, furnished to the committee for the purpose of having them transcribed into the evidence, are true and genuine copies of the originals offered in evidence, and which said copies are hereto appended, marked (A) and (B), and made part of this protest.

"The counsel for J. W. Whitfield, and on behalf of the law and order party in Kansas Territory, offer said letters in evidence for the double purpose of showing the opinions and admissions of A. H. Reeder, in reference to the matters and subjects connected with the elections of the 30th of March, 1855, in the Territory, and the contest now pending between Whitfield and Reeder in the House of Representatives, as well as to show the complicity of A. H. Reeder in all the troubles which have led to bloodshed and civil war in the Territory.

"To the refusal of the majority of said committee to receive said letters in evidence Mr. Oliver enters his protest; and also the said John W. Whitfield, by his attorneys, protests against the action of a majority of the committee in refusing the admission of said letters in evidence, as depriving him of his just rights in the investigation before the committee, and in showing to the country the true ground and source of all the difficulties in Kansas Territory.

"J. W. WHITFIELD.

By his Attorneys,

"AUSTIN A. KING,

"JOHN SCOTT.

"WESTPORT, Mo., *June 7, 1856.*

"The above protest was this day presented, and the accompanying

copies of letters, marked by me 'Exhibit A, accompanying protest,' and 'Exhibit B, with protest.'

"WM. A. HOWARD,
"Chairman K. C."

"WESTPORT, June 7, 1856."

But the undersigned insists that they were not only competent, but pertinent to the main issue which the committee were sent out to investigate. He therefore incorporates copies of them in this report; he appends them to it, and makes them part of the same as fully as if here entered at large.

These remarks, touching the general character of the majority's report, and what has not been proved, are preliminary to such comments as the undersigned intends to submit on the matters which were elicited by the investigation. And another fact on the same line of preliminary observations, deserving, in his opinion, to be noticed, is, that witnesses were examined by the committee in but three places in the Territory, to wit: Lawrence, Tecumseh, and Leavenworth city; except that the testimony of Daniel Woodson, secretary of the Territory, was taken informally at Leecompton, in regard to the loss of poll-books in certain districts, and also a certain letter said to have been written by him. All the places in which witnesses were examined touching the election of the 30th of March, 1855, were in districts where the elections had been set aside by Governor Reeder himself, as before stated. All the testimony they took touching the elections at other places, was given by witnesses sent for and examined out of the vicinage; and much the larger portion of the testimony taken at the instance of the contestant was taken at Lawrence, the great rendezvous of the malcontents in the Territory. The object of the testimony of the witnesses produced by Governor Reeder, was to show that the election of the legislature on the 30th of March was carried by illegal votes from Missouri, notwithstanding he had officially adjudicated that question as governor of the Territory.

And before proceeding to notice in detail the testimony, such as it is, adduced for that purpose, it may be proper here to advert to some strange inconsistencies in the report of the majority, and which are apparent upon its face. They say, for instance, "this unlawful interference has been continued in every important event in the history of the Territory. *Every election* has been controlled, not by the actual settlers, but by citizens of Missouri; and, as a consequence, every officer in the Territory, from constables to legislators, except those appointed by the President, owe their positions to non-resident voters. None have been elected by the settlers, and your committee have been unable to find that any political power whatever, however unimportant, has been exercised by the people of the Territory."

This is certainly very broad and sweeping language; and who, after having heard it read, was not surprised to hear the same gentlemen admit, in an after part of their report, in speaking of the first election for a delegate to Congress, November 29, 1854, and after giving all the facts in relation to that election, that General Whitfield was duly elected a delegate to Congress? They say, "*of the legal votes*

cast, General Whitfield received a plurality," and was consequently duly elected. And if he was duly elected by *legal votes*, as they were forced to admit from the evidence, then the result could not have been affected by non-resident voters.

The undersigned does not deem it necessary for him to say more upon the subject of that election, which was the first object of their inquiry.

The majority admit that General Whitfield was duly elected by the actual settlers of the Territory, and those who were entitled to vote. This admission is a sufficient answer to their previous statement, that no person had been elected by the settlers, and that they had been unable to find that any political power whatever, however unimportant, had been exercised by the people of the Territory. Like inconsistencies appear in their statements concerning the election of members of the legislature on the 30th of March, 1855.

They say in the first place, in relation to this election, that companies of men from Missouri "were arranged in regular parties, and sent into *every council district in the Territory*, and into *every representative district but one*. The numbers were so distributed as to control the elections in *each district*."

And then, under the head of "tenth district," they say, "this and the 'eighth election district' formed one representative district, and was the *only one* in which the invasion from Missouri did not extend." But under the head of "twelfth district," they say, "the election in this district was conducted fairly; no complaint was made that illegal votes were cast."

And again, under the head of "seventeenth district," they say, "the election in this district seems to have been fairly conducted, and not contested at all. In this district the pro-slavery party had a majority."

These contradictory statements, to the undersigned, seem wholly inexplicable, and he leaves them for the majority to reconcile or explain as best they may. But the undersigned affirms, that the weight of testimony shows that the majority of the legal voters in fourteen out of the eighteen election districts in the Territory were in favor of the party electing a majority of the legislature, as returned and certified to by the governor. And the testimony as to the other districts, while it is contradictory on some points, is far from being conclusive that a like majority did not exist in them. This, moreover, appears from the report of the majority itself, without referring to the testimony.

The Territory was divided into ten council election districts and fourteen representative districts. The first council district embraced the city of Lawrence—the stronghold of the abolition or free-State party, as it is called. In this council district, the whole entire vote cast for the free-State ticket was but 255. The whole number of legal voters in that district, by the census in February before, was 446. These figures are taken from the tabular exhibit given by the majority themselves. And it is also in proof by Mr. Ladd, one of Gov. Reeder's main witnesses, that at least fifty illegal votes were

given for the free-State ticket in Lawrence by eastern emigrants just arrived, and not entitled to vote.

These figures and this fact show that the free-State ticket did not receive a majority of the legal voters in this district; for if fifty be taken from the 255 cast for their ticket, it would leave only 205, being 61 short of a majority of the 466 legal voters in the district. That Missourians may have voted there illegally, does not, and cannot, vary this result. But the election at Lawrence was set aside by Gov. Reeder for informality in the return.

The undersigned has compiled tables, comparing the votes cast for the free-State ticket in the several council districts and representative districts in the Territory. This is taken from the tables exhibited by the majority. It is part of their own showing. In it will be seen the number of votes cast in each district for the free-State tickets, compared with the number of voters at the time the census was taken in each respectively; and from this it will appear that the free-State votes fell far short of being sufficient to elect a majority in either branch of the legislature, even if there had been no increase of voters, by *bona fide* settlers, between the time the census was taken and the election.

But the concurrent testimony of a number of witnesses establishes the fact conclusively, in the opinion of the undersigned, that the emigration of *bona fide* settlers from the southern States was greater in the month of March, after the census was taken, than in any equal time previous.

Here are the tables :

REPRESENTATIVE DISTRICTS.				COUNCIL DISTRICTS.			
No. of representative district.	No. of voters by census.	No. of votes for free-State ticket.	No. of representatives.	No. of council district.	No. of voters by census.	No. of votes for free-State ticket.	No. of councilmen.
1	97	19	1	1	466	255	2
2	369	253	3	2	212	12	1
3	212	12	2	3	193	44	1
4	101	4	1	4	442	156	2
5	92	49	1	5	253	-----	1
6	253	35	2	6	201	140	1
7	242	152	4	7	247	-----	1
8	99	120	1	8	215	60	1
9	102	26	1	9	208	-----	1
10	83	-----	1	10	468	66	2
11	47	54	2				
12	215	-----	2				
13	203	-----	2				
14	335	59	3				

This shows that the aggregate of the votes cast in the Territory for the free-State ticket fell short of 800, while the census shows that there

were 2,905 legal voters in the Territory in the February previous. The free-State ticket, therefore, did not receive one-third of the legal voters of the Territory, even if all be excluded from the account who emigrated to the Territory after the census was taken.

This fact was apparent to the majority of the committee. But they attempted to break its force in two ways: First, by comparing the names on the poll-books with those on the census returns, from which comparison they argue that only a fraction over 1,300 of the legal voters upon the census returns voted at that election. And secondly, by arguing that the abolitionists were prevented from voting by violence, threats, and intimidation.

On the first point, the undersigned deems it unnecessary to say more than that no comparison between the poll-books and the census returns was made except by districts. Between the time of taking the census and the election, settlers had changed their residence from one part of the Territory to another, and doubtless voted in a place different from that in which they were registered when the census was taken. The committee did not compare the names on the poll-books with the names on the census returns throughout the Territory, and the comparison alluded to by the majority, therefore, by no means proves what they claim for it.

On the second point the undersigned will barely state that there is no evidence that any violence was resorted to, or force employed, by which men were prevented from voting at a single election precinct in the Territory, or that there was any greater disturbance at any election precinct than frequently occurs in all our State elections in exciting times. A number of witnesses on both sides swear that men on both sides had arms, guns, pistols, bowie-knives, &c., and made threats, &c. But no one of them swears that any one was prevented from voting by the use of these weapons in a single instance, to the best of the undersigned's recollection. The testimony from beginning to end does not disclose the fact of a single assault and battery at or about the polls, or on account of the side on which any one wished to vote or had voted, in the whole Territory, on the day of election. Some quarrels and fights occurred at two or three places, but not about voting, and not as many in the whole Territory as the undersigned is informed occurred at one precinct in this city at the late municipal election.

The undersigned will now take up and proceed with the districts in their order. He now refers to the election districts. There were eighteen of these.

FIRST ELECTION DISTRICT.

The testimony in this district shows that a great many strangers were present, some with wagons and tents; that considerable excitement prevailed. But there is no positive evidence of but a very few persons, known at that time to be citizens of Missouri, being present. All else is hearsay, vague and uncertain. While this is so, Mr. Salster, in his deposition hereunto appended and made part of this report, testifies as follows:

"I emigrated into the Territory of Kansas in June, 1854, and settled in the neighborhood of Lawrence, and have resided there ever since."

"My acquaintance was reasonably extensive in that district. I knew about 400 voters who resided in the district, but I did not know near all of the resident voters of that district. So far as I know, all the resident voters of that district were present and voted."

"At the time of the election of the 30th March, 1855, there was a majority of pro-slavery residents in the Lawrence district. I was well acquainted in the district. There were about 200 free-State resident voters in that district, and there were from 300 to 400 pro-slavery voters at the polls that day, whom I knew to be residents of that district, and a great many of them voted in my presence, and the others told me they had voted."

Besides this, the testimony of other witnesses shows that a large immigration of *bona fide* settlers from Missouri came into the district after the census was taken, and before the election.(1) The parties, says one witness, were pretty nearly divided—perhaps more of the free-State than pro-slavery party; but the free-State party were divided, and many voted for the pro-slavery candidates.(2) There was *no intimidation or force* used to prevent any of the free-State party from voting, and all could have voted who wished to vote.(3) In the afternoon some one hundred men, who had come in with Dr. Charles Robinson from the east, marched over to the polls and voted the free-State ticket.(4) They were said to have come into the Territory that very day.(5)

From this testimony, it is difficult for the undersigned to see how the majority of the committee could come to the conclusion to which they arrived, that even in the Lawrence district there was a majority of the legal voters for the free-State ticket.

SECOND DISTRICT.

In regard to this district, the testimony is conflicting and contradictory; but the weight of the evidence, in the opinion of the undersigned, shows that there were many settlers came into this district after the census was taken, and before the March election. On the morning of election the free-State judges took arms with them into the judges' room. The free-State men, under the lead of Judge Wakefield, took possession of the polls, and required all the pro-slavery men to be sworn without discrimination, and did not swear any free-State men. The pro-slavery residents objected to this, and declared that both parties ought to be sworn alike. After some time the free-State judges resigned, and other judges were selected by the crowd. No intimidation was used to prevent the free-State men from voting, but all were asked to come up and vote. The pro-slavery

(1.) Horatio Owens, James Whitlock, A. B. Wade.

(2.) James Whitlock, A. B. Wade.

(3.) Horatio Owens, J. Whitlock, A. B. Wade.

(4.) J. Whitlock, A. B. Wade, J. M. Banks.

(5.) James Whitlock, John M. Banks.

ticket had a majority in the district, as the free-State party were not united on their ticket. (6) In addition to the general testimony relating to this district, the undersigned begs to call the attention of the House especially to the testimony of Parris Ellison, one of the judges to hold said election, appointed by Governor Reeder himself, which deposition, with others in relation to the election in that district, is hereunto appended and made part of this report. Mr. Ellison, in his deposition, among other things, says :

"The undersigned, Parris Ellison, states on oath : That I emigrated from Missouri to Kansas, and settled at Douglas, the second district, in October, 1854, and have resided there ever since. I was present at the election held at Mr. Burson's, in the second district, on the 30th March, 1855. I was appointed by Governor Reeder as one of the judges, and Mr. Burson and Mr. Ramsay, I think, were the other two. We met at Mr. Burson's house in the morning before the hour to open the polls. Mr. Burson was a magistrate, appointed by Governor Reeder, and he qualified me and qualified Ramsay. Ramsay qualified Burson. We appointed the clerks, and qualified them. George W. Taylor was one of the clerks. My son Parris was very sick at the time, and I wanted to resign. I proposed to resign if the other judges would permit me to name a man to serve in my place. Judge Wakefield, one of the candidates on the free-State ticket, was in the room, and interfered, telling the judges that they had power to name the man. They refused to let me appoint a man in my place, and I determined to serve, and did serve. I remarked to the other judges that we were sworn to act impartially during the whole day. They said, Yes ; we are sworn to act impartially. We agreed that, inasmuch as they knew a great many voters that I did not know, and I knew a great many that they did not know, that those whom I knew should vote without swearing, and those whom they knew I would not require of them to be sworn. Under this agreement we commenced the election. After some twenty-nine or thirty votes were taken, the pro-slavery party had some two to one against the free-State party. The other two judges began to grumble. Dr. Brooks came up to vote. I knew Dr. Brooks had a claim in that district, and had been on it, and had put a house on it.

"Dr. Brooks was a single man, and afterwards brought his mother there, and has resided there ever since. At the time of the election Dr. Brooks claimed to be a citizen of the district. I knew him to be a resident, and under our agreement I wanted to take his vote without swearing, but the other two judges refused to take his vote unless he would swear ; this he refused to do, because he said that he had understood that, under the agreement, if Mr. Ellison took his vote without requiring him to swear, that was all that was necessary. The other two judges still refused to take his vote. The doctor stood at the window a long time, and said, that unless they would let him vote, as he was a citizen of the district, and had been for some time previous, no other man should vote there that day. I told them that if they refused his vote it would create a fuss and confusion, and

that it would be violating the agreement made before the election began; but still refused. Sherman Woffal then came up to vote; but they refused to take his vote without swearing. Sherman said that he could prove by me that he was a citizen of the district, and had been a citizen of the district from the fall before. I knew that Mr. Woffal was a resident of the district, for he was living there when I went to the district to live. I bought hay of Mr. Woffal before the election, which he had made and cured the summer before. They still refused to let him vote, unless he would swear. He refused to swear because they, the judges, would not let him prove his residence. He said he would not swear. I had not, up to this time, objected to any of the persons that came up to vote which the other two judges said they knew. I had kept the agreement made between us to the word and letter. On account of this conduct on the part of the other two judges, a fuss and confusion arose in the crowd outside of the house. While the fuss was going on, I proposed to adjourn, as I told them I thought it would be over in half an hour or so. Mr. Burson, thereupon, adjourned for half an hour. He proclaimed the adjournment aloud. I told each one of the judges to pick up a poll-book. I took the ballot-box, which one of the judges tried to take from me. I think it was Ramsay, but am not certain. Sharp words passed between us, but I kept the ballot-box, and they took the poll-books and went off. A man by the name of Jones asked me where the poll-books were? I told him that Burson and Ramsay had taken them off. He followed them, and brought the poll-books back. I waited until the half hour had expired, and the other two judges did not come back. I waited ten minutes longer. I called them; but they did not come. I called them again, and they did not appear. I told the people that I would wait five or ten minutes longer, and if the other two judges did not come they would have a right to select two men to act in their places. I waited ten minutes and they did not come, and the people elected two men to act in their places, namely, Sherman Woffal and Frank Labay. They were qualified. I asked Mr. Taylor to repeat the oath to them, which he did; but, by mistake, Mr. Taylor signed the oath instead of myself. Mr. Taylor had been sworn in as a clerk by Mr. Burson and Mr. Ramsay. Messrs. Woffal and Labay and I then opened the polls, and the election went off quietly during the remainder of the day. We kept the polls open until 6 o'clock in the evening. Andrew McDonald was the pro-slavery candidate for council, and Judge Wakefield was the free-State candidate for council. O. H. Brown and Mr. Ward were the pro-slavery candidates for the house of representatives, and Jesse was one of the free-State candidates for the house, and the other I do not remember. All the votes received after we began the second time were for the pro-slavery candidates. The ballot-box which I took possession of at the time of the adjournment I carefully preserved, and did not open it until 6 o'clock in the evening. It was then opened in presence of the other two judges, who had been selected by the people, and the clerks. The ballots were counted, and there were twenty-one votes for the pro-slavery ticket, and

twelve votes for the free-State ticket. When we commenced the election the second time, we got another ballot-box.

"When I got there in the morning, there were some thirty or forty men present about the house, and when I went into the house I saw some fifteen or twenty guns standing in one corner of the house, which had been brought there by the free-State men. When the adjournment took place, the guns were taken away by the free-State men. These guns were all the guns that I saw on the ground. I did not see a gun in the hands of a pro-slavery man that day. There was no charge made with either guns or pistols or other weapons at the window, nor were there any threats of violence made by the pro-slavery men. There was no violence committed by the pro-slavery men there that day to the judges, nor were there any threats of violence offered, as I saw. I did not see Mr. Samuel Jones pull out his watch and say to the judges, Ramsay and Burson, that he would give them five minutes to resign, nor did I hear him afterwards say to them that he would give them one minute to resign. If this had occurred, I should have seen and heard it, for I was in the house all the time, and was at the door when these two judges came out. I did not see Samuel Jones in the house at any time while Ramsay and Burson were there. In my neighborhood I was well acquainted with the settlers there, and at the time of the election and before. The residents were almost all pro-slavery. From what I knew myself, and the information received from the census taker and others, I am satisfied that the pro-slavery party had a decided majority in the second district."

This is the district in which it is represented that sheriff Jones figured so conspicuously. The testimony of Mr. Ellison clearly disproves all such allegations. Other depositions, herewith filed and made part of this report, fully confirm the testimony of Mr. Ellison.

THIRD DISTRICT.

The testimony in relation to this district is, that the pro-slavery party had a majority among the actual settlers of the district.(7)

FOURTH DISTRICT.

The testimony in relation to this district shows that the pro-slavery party had a majority among the actual settlers.(8)

FIFTH DISTRICT.

In this district the testimony goes to show that there was a majority for the free-State party.

SIXTH DISTRICT.

The testimony goes to show that the pro-slavery party had a major-

(7.) Geo. Holmes.

(8) A. S. Johnson, T. Mockbee.

ity of the actual settlers in this district, and also that most of the free-State men voted for the pro-slavery candidates.(9)

SEVENTH DISTRICT.

The testimony shows that the pro-slavery party had a majority among the actual settlers in this district.(10)

EIGHTH DISTRICT.

As to this district, no testimony was taken on either side, so far as the undersigned now remembers.

NINTH DISTRICT.

The testimony shows that in this district the pro-slavery party were in the majority among the actual settlers.(11)

TENTH DISTRICT.

The testimony shows that the election was conducted fairly in this district, and the result would not have been changed by the rejection of all the illegal votes on both sides.

ELEVENTH DISTRICT.

In this district there is no evidence to impeach the correctness of the election returns as made to and sanctioned by the governor.

TWELFTH DISTRICT.

There is no evidence to impeach the correctness of the returns of election for this district.

THIRTEENTH DISTRICT.

The evidence shows that there was a pro-slavery majority of the actual residents in this district, and that there was no force or intimidation used to prevent free-State men from voting.(12)

FOURTEENTH DISTRICT.

The evidence shows that the pro-slavery party was largely in the majority among the actual residents in this district; that the election was peaceable and quiet, and that no intimidation was used to prevent any one from voting.(13)

(9) Wm. Barbee, Joseph C. Anderson, S. A. Williams, T. B. Arnett.

(10) C. A. Linkenauer, Andrew Johnson.

(11) C. R. Mobley, Thomas Reynolds.

(12) Wm. Tebbs, O. H. Tebbs, and others.

(13) W. P. Richardson, Willard P. Hall, J. H. Whitehead, J. P. Blair, and others.

FIFTEENTH DISTRICT.

The evidence in regard to this district shows that the pro-slaver party were largely in the majority among the actual residents—probably ten to one—and that there was no force or intimidation used to prevent any man from voting.(14)

SIXTEENTH DISTRICT.

The evidence shows that the election in this district was conducted peaceably and quietly, and no intimidation or force used to prevent any one from voting. There was a decided pro-slavery majority among the actual settlers in this district.(15)

SEVENTEENTH DISTRICT.

The evidence shows that in this district the election was conducted peaceably and quietly, and that the pro-slavery party were in the majority among the actual settlers.(16)

EIGHTEENTH DISTRICT.

The evidence shows that the election was conducted peaceably and quietly, and that there was a decided pro-slavery majority among the actual settlers in this district.(17)

Upon an examination of the testimony taken before the committee, what the undersigned has affirmed in relation to these several districts will be found to be sustained by the proof. And from all the testimony collected, when compared and weighed properly, the undersigned feels confident that it will appear to every unprejudiced mind, not only that General Whitfield was duly elected, by the actual and *bona fide* residents, a delegate to Congress at the first election, in November, 1854, but that the free-State party was in the minority in the Territory at the March election in 1855, for members of the legislature; and that that election was not carried either by force, violence, or non-residents, but that a majority of the legislature was duly elected as certified to by the governor, and was properly constituted as a law-making body; and, as a consequence, that the laws passed by them, as far as they are consistent with the constitution of the United States and the organic act of the Territory, are valid; and, as a further consequence, that the sitting delegate, having been duly elected a delegate to Congress under a Territorial law thus passed, is entitled to a seat on this floor as such.

And having gone through this branch of the subject, the undersigned now beg leave to refer to other matters alluded to by the majority of the committee in their report. They speak of a certain secret political society formed in the State of Missouri, known by different

(14) John W. Martin, N. Williams.

(15) W. G. Matthias, L. J. Eastin, R. R. Rees, Amos Rees, A. T. Pattie, J. H. Day, A. McAuley, and others.

(16) Cyprian Chouteau, Rev. T. Johnson.

(17) R. L. Kirk, J. W. Foreman.

names, such as "Social Band," "Friends' Society," "Blue Lodge," "Sons of the South"—the object of which was to send emigrants into Kansas for the purpose of making it a slave State.

In reply to this part of their report it is only necessary to state that the evidence shows that these organizations were formed for the purpose of counteracting similar and other organizations, first started at the east and elsewhere, for the purpose of colonizing the Territory with persons for the avowed object of making Kansas a free State, and in this way ultimately affecting injuriously the institutions of Missouri.

The first society of this kind was formed in the city of Washington, immediately after the passage of the Kansas-Nebraska bill. It was composed of members of Congress of both branches, and others.

The undersigned refers, in this connexion, to the testimony of the Hon. Daniel Mace, a member from Indiana, which is appended to this report and made part thereof. In his deposition he states that such an association was formed in Washington immediately after the passage of the Kansas-Nebraska act. It was called the Kansas Aid Society, the members of which subscribed various sums of money, he himself subscribing \$50 or \$100, he is not certain which amount. The object of the movement was to induce persons to go to Kansas who would make that their home, and who would at all elections vote against the institution of slavery. Mr. Goodrich, a member of the House of Representatives from Massachusetts, was the president of the society.

Soon after this society was formed, other societies were formed in the eastern States for the same object; that is, for the purpose of sending persons to Kansas to control the elections there: A society of this kind formed in Boston, Massachusetts, commenced sending emigrants to Kansas for this avowed object. To show the object of this last-named Emigrant Aid Company, the undersigned begs leave to refer to a letter written by Thomas H. Webb, corresponding secretary of the company, and which is among the testimony taken by the committee. It is as follows:

BOSTON, *August 14, 1854.*

DEAR SIR: By the pamphlet mailed you, much of the information which you desire can be obtained.

The next party will leave here on the 29th inst., at quarter past 2 p. m.; they will go *via* Buffalo, Detroit, Chicago, Alton, and St. Louis, and will disembark at Kansas City, near the mouth of Kansas river. The fare through will be about \$25 for first-class accommodations; meals extra, which need not cost, on an average, more than twenty cents. Each person is allowed 100 pounds of baggage, and for all excess will be liable to pay about \$3 per 100. Children under three years will be taken free; between three and twelve, pay half-price. No pledges are required from those who go; but as our principles are known, we trust those who differ from us will be honest enough to take some other route.

The agent who located our pioneer party will accompany the next one, and furnish all requisite information.

Yours, respectfully,

THOMAS H. WEBB,
Sec. Em. Aid Co.

A. JENNINGS, *Provincetown, Mass.*

The undersigned also refers to a pamphlet admitted in evidence before the committee, from which he submits the following extracts:

"THE PIONEER PARTY.—Charles H. Branscomb, esq., one of the company's agents, went up with the pioneer party, and located them on a beautiful tract of land previously selected by him as an advantageous position for a town-site. This spot is situated six miles above the Wakarusa, a tributary of the Kansas river, and about thirty-five miles above the mouth of the latter stream, on its south side. For a brief description, the reader is referred to the paragraph commencing on page eleven, and continued on page twelve, of this pamphlet.

"Mr. B. travelled in various sections of the Territory, and says it is impossible for one who has not been in that region to conceive of its beauty and fertility; he confirms all the statements that have been made respecting it in our pamphlet.

"The second party left this city on Tuesday, the 29th of August. They reached Kansas City September 6th, and entered the Territory under the guidance of Charles Robinson and S. L. Pomeroy, agents of the company. They were cordially received by the pioneer party, and have made a joint settlement at the beautiful site selected by Mr. Branscomb.

"The third party, under the guidance of Mr. Branscomb, (who has returned twice from Kansas since July,) left Boston September 26th. It numbered eighty-six persons, to which accessions were made at Worcester, Rochester, and elsewhere westward. Messrs. Pomeroy and Robinson are making great exertions to accommodate the parties for the winter, and to provide the materials for the erection of houses in the spring. This pressure of business involves a large expenditure, which their experience will enable them to make with prudence and discretion. But their drafts cannot be met with the funds in the hands of the trustees, unless '*material aid*' furnished by those who wish for success to the enterprise shall be very much greater than it has been thus far.

"The fourth party left this city the 17th of October. It numbered 123 individuals, to which sixty were added at Worcester, a number at Springfield, Albany, Rochester, and Buffalo. At Chicago a large accession was anticipated, and ere leaving St. Louis the number will exceed 250."

This was all in the summer and fall of 1854, and prior to the first election for a delegate to Congress, in November of that year. Whatever organizations, therefore, were formed in Missouri, of the character alluded to by the majority of the committee, were formed solely and expressly for the purpose of counteracting those organizations previously formed elsewhere. This the testimony abundantly proves.

The testimony also shows that emigrants going out under those and similar organizations were supplied with arms and munitions of war. Great numbers of Sharpe's rifles and several pieces of artillery were sent to the Territory. And if arms were taken by emigrants from Missouri, it was only for the purpose of defence against arms in the hands of emigrants from other quarters.

The testimony shows that large numbers of persons sent out by these eastern societies went into the Territory during the month of March, just before the election, declaring it to be their intention to vote; that they came there for that purpose; and in a few days after the election, great numbers of these persons were seen returning to the north and east, saying, many of them, that they had voted.* The testimony also shows that a large number of Missourians went over to the Territory on the day of election, merely to prevent illegal voting on the part of these eastern emigrants, and few of these Missourians, and only a few, are proven to have voted, and their names given, by the testimony; not as many in all as those of the eastern emigrants, who it is proven voted illegally at Lawrence.

The majority of your committee in their report say, that the only cause of the hostilities in the Territory was the known desire of the citizens of Lawrence to make Kansas a free State, and their repugnance to laws imposed upon them by non-residents.

The undersigned, however, is unable to concur with them in that allegation. On the contrary, he affirms, what he believes to be the truth of the matter, that the cause of all the difficulties in the Territory of Kansas, from its organization down to the present time, is to be found, first, as before stated, in the various organizations of members of Congress, and in the northern and eastern States, with the avowed purpose of colonizing the Territory with persons of anti-slavery sentiments, to the end of making Kansas a free State; secondly, that finding themselves defeated and thwarted in their purpose of electing a legislature in favor of making Kansas a free State, as shown in a former part of this report, being chagrined and mortified, they, the anti-slavery party in the Territory of Kansas, in a fit of desperation, determined to set themselves up in opposition to, and in resistance of, the laws passed by the Kansas legislature, and to resist them to a "bloody issue," if necessary to their defeat and utter subversion. Indeed, the undersigned affirms, that even before the legislature convened, there were propositions made to form an organization of a military character, to resist any and all laws which might be enacted by that legislature, by force of arms, even should such resistance result in the subversion of the government of the Territory, and to the peril of the Union itself.

In proof of this allegation, the undersigned begs leave to refer to the testimony of Dr. J. N. O. P. Wood, which is as follows:

"I came into the Territory first about the 1st of April, 1854; I located permanently in Lawrence about the 7th of October, 1854; I resided there until some time the last of March, or the 1st of April last, and then I went to Leecompton. About the time I came there,

* F. M. Mahan, H. M. Blossom, and others.

there was considerable difficulty between what was called the Lawrence Association, of which Dr. Robinson was president, and the settlers that were not members of this association. The members of the association held a meeting two or three evenings after I got there, and elected a judge, and a Mr. Grover marshal, and organized a company, which I think they called the 'shot-gun battalion,' for the purpose of preventing persons that did not belong to their association from settling about the place, and taking timber and stone from the claims of those who did live there. They said there was no law in the Territory; that the organic act was unconstitutional—made so by the repeal of the Missouri compromise; and that they intended to form an association, and make and enforce their own laws, irrespective of the laws of Congress, until there could be a change in Congress, by which the Missouri compromise could be restored, and the organic act set aside.

"There was no open opposition to the execution of the laws until Governor Reeder appointed justices of the peace, and one or two members of this association were arrested. They refused to recognise the power of the justice of the peace, and refused to attend as witnesses, and would only attend their own provisional court, as they termed it.

"When the legislature was about to be elected, they held a meeting, and brought out their candidates. After the legislature was elected, and before they met, there were several meetings held in Lawrence, and at those meetings they passed resolutions declaring they would submit to no laws passed by that legislature. This was what was called the Lawrence association, different from the town association. It was composed of men sent out under the auspices of the Emigrant Aid society, and Dr. Robinson was at the head of the association. Many belonging to this association lived in different parts of the Territory. They were allowed to vote at the meetings of the association, which I sometimes attended, and those who were not enrolled as members of the association were not allowed to vote or debate at their meetings. Some of them lived at Ossawatimie, Topeka, Manhattan, and other places in the Territory. They resolved not to obey the laws that would be passed by the legislature, and only obey their own provisional laws until they could form a provisional government for the Territory.

"The first general meeting, while the legislature was in session, was held in Lawrence in July or August, 1855. Before that time their meetings had been of the association; but this was the first general meeting. That was the first meeting at which I recollect hearing Colonel Lane take ground in opposition to the laws that the legislature, then in session, should pass. All the public speakers that I heard there, said they did not intend to obey the laws that should be passed, but intended to form a provisional government for themselves. After the legislature adjourned, the first meeting at which I heard any declarations with regard to the resistance of the laws was held at Blanton's bridge. Col. Lane, Mr. Emery, and Mr. John Hutchinson addressed the meeting, urging the people to resist the laws, let the consequences be what they might.

"In private conversation with those men, they always expressed

their determination to resist the laws, and said the officers and posse should not enforce the laws. They said they had a new code of laws called Sharpe's Revised Statutes, and they were going to use them in preference to any others. It was a common remark, that they would use Sharpe's revised statutes in preference to any others.

"I think the first box of rifles came there marked Revised Statutes. I think after Mr. Dietzler came back he said he brought the rifles with him. When they were brought to Lawrence they wanted to put them in my warehouse. They were lying at my door, and I inquired what they were, and Mr. Salter, who was keeping the warehouse for me, said they were emigrant aid guns. I objected to their being put in my warehouse, and they were taken and put in Mr. Simpson's office. I told them I would not be the first to harbor guns brought there for revolution.

"I often expostulated with Lane, Robinson, and others, both publicly and privately, as to their course, and addressed the meeting at Blanton's bridge in opposition to their course. They said they would resist the laws regardless of consequences.

"The next public meeting I recollect of was the Big Springs convention. At that convention I had but little conversation, except with Governor Reeder and Judge Johnson. Prior to the meeting several days, Governor Reeder came up to our place. I heard that he was urging the people to resist the laws, and do so by setting a different day for the election of delegate to Congress, on which he should be voted for. I called on him at his room, and asked him if he had recommended that course, and he said that he had intended to have returned to Pennsylvania, but upon reflection he had concluded that if they would take that course at the convention, he would be a candidate for Congress, and had returned from Kansas City, where he had taken his trunks and baggage. He said he had understood since he came there that Lane, Roberts, and others, would be candidates before the convention; but if they would withdraw, and the course he had indicated was taken, he would be a candidate for Congress. He said it would give him an opportunity to bring the matter before Congress, and with the majority they had then in Congress against the democratic party he thought he could succeed in ousting General Whitfield if elected.

"A meeting was held in Lawrence, and it was agreed upon that a different day should be fixed upon for the election; and the candidates who were there—Robinson, Lane, and some others—agreed to withdraw in favor of Governor Reeder. This was four or five days before the Big Springs convention.

"I rode up to that convention in company with General Pomeroy, who invited me to go up with him. At the convention I had another conversation with Governor Reeder. We had always been on the most intimate terms, and I talked with him as I would with any friend. I talked with him, and said that I thought that by taking that course, and thereby repudiating the laws, it would bring a state of anarchy upon the Territory that he nor I would probably live to see the end of. I said it would be opening the door and giving an invitation to outlaws outside of the Territory to come and make that

the field of operations; that it would bring about a state of things that would be injurious to the country, by preventing capitalists from risking their means in such a country.

"He replied that he thought differently; that they had determined to adopt the platform of the Topeka convention, held before that time, recommending the formation of a provisional government. I think he took a pencil and draughted a resolution recommending the calling of a convention to form a State constitution. He said he would offer that resolution; they could go on and form their State constitution, appoint an executive committee to issue a proclamation calling for the election of delegates to form a free-State constitution, and they would elect their members to the legislature, pass their laws; and if Congress did not admit them, they would pass their own laws, and go on independently of Congress, until such time as they could be admitted.

"I remarked, that would bring them immediately in conflict with the acts of the Territorial legislature, one or the other of which must become supreme; and I thought it would necessarily bring on a collision between the two opposing parties, and involve the country in an armed difficulty.

"He replied, that they had made up their minds to resist the laws, and by forming a free-State constitution they could get the aid and sympathy of the North to help them enforce their provisional laws; that they were determined to resist the Territorial laws. That was about the substance of the conversation.

"In his speech before the convention, he urged them to resist the Territorial laws at all hazards. I have read the speech of Gov. Reeder as reported in the proceedings of the Big Springs convention, in a printed copy now before me. I cannot say that it contains all his speech. He spoke for an hour, or a little over an hour. I understood him distinctly to say this: that he wanted them, if they had any regard for their rights, not to appeal to the laws for redress, nor answer others if appealed to. He called them 'bogus' laws, meaning thereby the Territorial laws. That, I think, is about the substance of what he said.

"I came down home, I believe, in company with Judge Johnson, who disapproved of the course adopted. I had conversations with Governor Reeder afterwards, but we held our respective positions.

"A proclamation was issued by what was called the Executive Committee, calling an election for State officers and legislature, a convention to form a State constitution having met and formed a State constitution. I talked with Lane and Robinson often about this matter. There were free-State men in Lawrence who opposed this course, and oppose it yet. I myself co-operated with the free-State party, until they took these revolutionary steps, and then I left them.

"I lived in Illinois twelve years before I came to this Territory."

Indeed the undersigned affirmed, upon the testimony, that either before the meeting of the legislature, or during its session, or after its adjournment, there were other organizations formed, to resist by force of arms the execution of any laws the legislature might pass, or any which they had passed, at all hazards, even to the destruction of the

Territorial government, and the dismemberment of the confederacy itself. In proof of this assertion the undersigned begs leave to refer to the testimony of Pat. Laughlin, and the testimony of Dr. Andrew J. Francis.

Pat. Laughlin testifies, in substance, that he came to Kansas from the State of Kentucky, in May, 1855. He settled in Doniphan, and favored the free-soil sentiment. He became a free-soiler about the middle of August, 1855, and had a meeting of that party on the 25th of the same month; at which meeting S. Collins presided.

The meeting—although it was one intended for all of the fourteenth election district, as designated by Gov. Reeder, in his official proclamation governing the spring election of 1855—had but about forty members in it, and that, too, in a district far more thickly populated than any other district in the Territory of Kansas.

This meeting was addressed by A. Lazelere, Dr. G. A. Cutler, C. W. Stewart, B. Harding, and others, all of whom urged very strongly on the meeting the necessity of forming a society something on the order of the "Know-nothings," by which they could unite their small party, and labor more effectually against the pro-slavery party. This idea was received with general acclamation by every member of the meeting but himself. He thought this a good sign of their "Know-nothing" origin. He therefore opposed the manœuvres they were making; told them if they went into such measures, they would find in him an unrelenting enemy. They, sooner than cause any disturbance in their yet feeble ranks, gave up all thoughts of such organizations. The meeting then went on; and, after disposing of all business before it, we had speeches from several of the leading men—S. Collins, Dr. G. A. Cutler, C. W. Stewart, John Fee, A. Lazelere, B. Harding, B. G. Cady, and others—many of whom strongly urged that the people ought to rise in arms, and with their might resist the authorities; and sooner than permit slavery in Kansas, or even to submit to the repeal of the Missouri Compromise, to go with all their might for a disunion of the States; and, in order to effect their purpose, shed, if necessary, the last drop of their blood. Those speeches were received with acclamation by the poor deluded listeners. He was appointed at this meeting, together with several others, to represent the people of this (14th) district at the Big Springs convention, to be held on the 5th of September. Next day several of the delegates met, and solicited him to go before the rest several days, that he might find out what our party was doing in other parts of the Territory. He started for Lawrence on the 27th of August, and after riding as far as Olena, in Atchison county, he stopped at the house of Mr. Crosby, and made himself known to him. He then made him acquainted with the secret military organization, which organization had been on foot from the 4th of April, 1855. (There was another society previous to this.) Mr. Crosby then gave him a letter of introduction to G. W. Brown, of the Herald of Freedom.

He went to Lawrence, and after acquainting Brown with his business, and giving him the letter of Mr. Crosby, he showed him a great number of Sharpe's rifles—he supposed about 75 or 100—and told him they were sent to them by the Emigrant Aid Society, of Boston; that

this society had also sent, and would continue to send, men and means to make Kansas a free State by force, if necessary. He told him that the arms and munitions of war were sent generally as dry goods or books to the agent of the society; and were sent concealed in this manner, that they might not be detected by the United States officers. He told him that when our regiment would number thirty men, we could send a delegate to Boston; but that he must first visit Lawrence, where he would get letters of introduction to the society in Boston, who would furnish us with as many rifles as we had men to bear them in the neighborhood; and, furthermore, that he would get them gratis.

While in Lawrence, a box of goods came, directed to C. Robinson; it was taken into the room where they hold their secret meetings. A friend of his invited him to go up with him to see the kind of goods they received from the East. He went up, and, to his surprise, saw in the box a lot of blue jackets and white pants for military uniform; also a drum and drum-sticks.

The lookers-on winked with their eyes, as though they meant something. There was a large house, which answered the double purpose of a hotel and fort, and with which the public is very familiar; it was then in the course of erection by the Emigrant Aid Society of Boston; it had port-holes in it for guns. He was told by Mr. Brown, Mr. Conway, Hutchison, and Lowry, and many other leading men among the abolitionists, that this hotel was intended principally for a fortification for their town, for they expected their conduct would bring them, before long, into a collision with the authorities.

A. H. Reeder seemed very well acquainted with the secret military order. Immediately after he told his business to Mr. Brown, and let him know he was a member of the secret order, he had an introduction to A. H. Reeder. They both then got up and went into the back room, where the rifles were, about twenty-five feet from him, and stood in a position on the floor where he had a full view of them. He could see from their actions, and from part of their conversation, which he overheard, that he and the society were the principal topics of their conversation. When they finished their interview a preacher came in, and he was introduced as late of Boston. The three then began a conversation, in which the topic was, what men and means they could get by the next election, which was to come off in the fall, for delegate to Congress. They spoke of a preacher who had gone to Boston for the express purpose of getting voters and other means to insure success at the coming election.

Pursuant to public notice, the convention of the abolitionists met at Big Springs, on the 5th of September, 1855; also the executive committee. This committee claimed the sole right to govern the Territory. He was introduced to this convention by A. H. Reeder. His manner of introducing him was very strange, and he was made a member without being proposed in his hearing. Shortly after he was introduced to the committee a man whose name, he thought, was McCullough, and whose accent and outward demeanor bespoke him to be from the eastern States, offered the following resolution:

“Resolved, That every reliable free-State man in the Territory be

furnished with a rifle, a brace of pistols, and a sabre, gratis ; and that he be required to take an oath to come when called upon, and muster into service under his superior officer, and to sacrifice his life, if necessary, to rescue the person and property of any person who would be brought under the jurisdiction of the present laws of the Territory."

The above resolution was seconded, and received by loud stampings in every part of the house, except the chairman, (C. Robinson,) who remained silent a few moments, as though lost in deep thought. He at last spoke up, and asked the gentleman to withdraw his motion, and they would act upon it in a more private manner. All seemed silent and seemed to wonder at the chairman's course. Another spoke up, and said he thought the resolution interfered with provisions already made.

The chairman said he thought not ; but, for reasons he cared not to give at present, he wished the gentleman to withdraw his resolution, and let them act upon it in a more private manner. It was then withdrawn. This committee, in assuming the government of the Territory, appointed two governing committees of three men each side of the Kansas river, whose duty it was to establish post offices, mail routes, and mail carriers, to carry and take care of all free-soil and abolition mails, which was confined to the Territory. These two governing committees had the power to appoint persons who would arbitrate all difficulties arising in their respective districts. Persons so appointed were subject to removal, and responsible to the governing committee for any neglect of duty or abuse of power. In like manner, the governing committees were responsible to the executive committee.

All expenses of the above-named officials were to be borne by the executive committee, who would derive the necessary aid from the eastern States and the Emigrant Aid Society of Boston. The executive committee issued orders for all free-State men to give into the governing committees all the statements they could which would effect anything in weakening the pro-slavery party. He being further north than any of the other two who were on the committee with him, he had all the statements to take of those north of him, and any other direction that was convenient.

There were many who gave him their statements against the legislature and private individuals. All those who gave him any statements, had it in such language as was capable of being construed into a more dangerous meaning for the pro-slavery party, than what the real definition should be. Many of them told him they were making use of language that would make the pro-slavery party appear to the world more guilty than they in reality were ; and no matter how false a meaning was put on their statements, they would be easy in conscience if they could realize their object. Many told him, when called upon, they were willing to swear that thousands of Missourians came over and voted, although he saw none ; but admitted to him that they saw no Missourians vote, nor did they know of any who did. He had heard A. H. Reeder urge the people to rebellion and bloodshed, while they listened to him as though he were one of the prophets and patriarchs of old. He had heard men say, who appeared to take and hold

a high position among the abolitionists, openly boast that they had helped to run off negroes from the south into Canada, and hoped the day was near at hand when they would succeed in all their designs, and settle those gentlemen of color along the shores of Kansas, where they could make war on the institutions of the South—particularly of Missouri—till there would not be a slave left in it. Such are the principles of those who keep Kansas in a state of rebellion, and such are the men who are the leaders of the abolitionists—leading them on to thievery, treason, and death.

He has heard Judge Johnson, of the United States supreme court for the Territory, often instruct the people that, when called on to swear in the Territory, they might swear to what suited them, and they would not be perjured, as there was no law in the Territory. Whilst in Lawrence as delegate to the convention of the free-State men to be held at Big Springs, he heard many of the people say many of their people returned after the spring election. There were a great many camps at Lawrence then. Some of those forming the camps told him that they would return to the States in the latter part of the fall. At the fall and winter election for a delegate to Congress, for a State constitution and the formation of a State government, the judges of the polls had instructions publicly, that in case of Indian or other troubles they might adjourn from day to day, and finally to any other district in the Territory, to hold their election. But the private instructions were, if pro-slavery men attempted to vote, and were likely to have a majority, they must adjourn from day to day, and finally to any free-soil district in the Territory. He heard many of the people in Lawrence curse the Emigrant Aid Society of Boston, and say if it did not pay them soon they would return to the States, for it had failed to pay them for some time. He was told by several of the emigrants in Lawrence that the Emigrant Aid Society of Boston paid the expenses of all men who would come out to Kansas to vote for it to be a free State.

The following is an extract from the deposition of Andrew J. Francis:

“Offers were made to me by various persons to introduce me to a secret political organization. The only name I ever received as a member of the lodge was ‘**Kansas Regulator.**’ The next morning I was conversing with Governor Reeder, Jas. H. Lane, G. P. Lowry, and several others, one by the name of Chapman and one by the name of Hornsby; but both these gentlemen had merely come up to us as we were standing on the corner of the street talking. I had noticed black ribbons tied in the shirt-bosoms of several gentlemen; I noticed one or two tied to Governor Reeder’s shirt-bosom. I made the inquiry as to what those black ribbons meant. Colonel Lane asked me to go with him, and he would show me something that would please me better than what I had seen the night before. The night before I had attended a masonic lodge. Colonel Lane was in the lodge while I was there. I made some reply to Lane, as though awaiting to go with him, saying that I would have to see something that would please me extraordinarily well, if it pleased me better than what I had seen the night before. I went with Colonel Lane to the

law-office of John Hutchison, as I afterwards found out. Governor Reeder did not go into the room where I was initiated. Doctor Robinson was standing just before the door, with a lady, I think. Colonel Lane asked him to leave the lady and go into the office with us. Robinson rather objected at first, but finally came in with us and said he would explain the nature of the organization he was about to initiate me into. The substance of the explanation was that Kansas was a beautiful country and well adapted to freedom, and the best territory in the world for the friends of freedom to operate on, more especially for those who were engaged in the free-white State cause. After proceeding in that strain for awhile, he asked me if I was willing to pledge my word and honor that I would keep secret what I saw there and who I saw there, provided he would pledge his word and honor that there was nothing that would interfere with my duties as a citizen, or that was disloyal in any respect. I replied that I was willing. He then gave me some other instructions that I do not now recollect, of about the same import as the first. Colonel Lane then took me in hand and told me that he could administer the grand obligation, which was done by my repeating after him, as follows:

‘I, of my own free will and accord, in the presence of Almighty God and these witnesses, do solemnly swear that I will always hail, forever conceal, and never reveal any of the secrets of this organization to any person in the known world, except it be to a member of the order, or within the body of a just and legal council. I furthermore promise and swear, that I will not write, print, stain, or indite them on anything movable or immovable, whereby the least figure or character may become intelligible to myself or any other person. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to obey, even to death, the orders of my superior officers. I furthermore promise and swear, that I will at all times, and under all circumstances, use my influence to make Kansas a free-white State. I furthermore promise and swear, that all things else being equal, I will employ a free-State man in preference to a Missouri man, or a pro-slavery man. I furthermore promise and swear, that all business that I may transact, so far as in my power, shall be transacted with free-State men. I furthermore promise and swear, that I will at all times, and under all circumstances, hold myself in readiness to take up arms in defence of free-State principles, even though it should subvert the government. I furthermore promise and swear, that I will at all times, and under all circumstances, wear upon my person the regalia of my office and the insignia of the order. I furthermore swear, that I will at all times, and under all circumstances, wear on my person a weapon of death. I furthermore promise and swear, that I will at all times, and under all circumstances, keep in my house at least one gun, with a full supply of ammunition. I furthermore promise and swear, that I will at all times, and under all circumstances, when I see the sign of distress given, rush to the assistance of the person giving it, even when there is a greater probability of saving his life than of losing my own. I furthermore promise and swear, that I will, to the utmost of

my power, oppose the laws of the so-called Kansas legislature. I furthermore promise and swear, that when I hear the words of danger given, I will repair to the place where the danger is. I furthermore promise and swear, that if any part of my obligation is at this time omitted, I will consider the same as binding when legally informed of it. I furthermore promise and swear, that, at the first convenient opportunity, I will commit this obligation to memory. To all of this I solemnly swear, without equivocation or self-evasion, binding myself under the penalty of being declared a perjurer before Heaven and a traitor to my country.'

"I then remarked to Col. Lane, that that was a very serious obligation. He replied it was; and also stated that it was necessary for me to become acquainted with the signs and pass-words. The sign of recognition is given by placing the right thumb under the chin, and the fore-finger of the right hand by the side of the nose, quietly scratching or rubbing it two or three times. The answer to it was given by placing the thumb and fore-finger of the left hand on the lower lip, as if rubbing it. The grip was given by locking the two first fingers of the right hand over each other. The words accompanying the grip are these: The one giving you the grip would ask: 'Are you in favor of Kansas becoming a free State?' The answer was: 'I am, if Missouri is willing.' The means by which persons procured admission into the council was, by going to the door the sentinel would then present himself. The person applying would say 'Kansas,' accenting the last syllable. The person would then advance to the centre of the room and salute the colonel, by placing his right hand just above his forehead. The regalia was this: The private members wore a black ribbon tied upon their shirt-bosoms; the colonel wore a red sash; the lieutenant-colonel a green sash; the major a blue sash; the captains white sashes; the lieutenants yellow sashes; the orderly sergeant a very broad black ribbon upon the shirt-bosom. Col. Lane then remarked to me that I had been made acquainted with the principles of the institution, and that it was the determination of the free-State party not to submit to the laws of the legislature, or to any opposition that might come from Missouri or any other quarter. I remarked to the Colonel that I was sworn to support those laws in taking my oath as a lawyer, and that I considered that that oath was administered by a higher power than he exercised, and hence I should not keep the obligation he had given to me; and under no circumstances would I do anything to subvert the institutions of the country, or place myself in opposition to the laws; and he might depend upon it, I would expose it the first convenient opportunity. I also told him I could not consistently keep both obligations that had been imposed upon me; that I was also a member and minister of a religious denomination, and that it would not be consistent with my Christian duties to keep the obligation he had imposed on me; that I should most certainly, when the subject came up, expose it. He stated then to me, that if that was my determination, and I did express myself so publicly, I would hardly get away from the city with my life. I replied to him that I would express myself so under all circumstances, both in public and private."

It now being most fully shown, as the undersigned believes, that the anti-slavery party formed secret political organizations of a military character to resist, with force of arms, the execution of the laws of the Territory, and to defend themselves against any effort which might be made by officers to enforce obedience to the laws and authorities of the Territory; after preparing the minds of the people to embark in any measures, however reckless and desperate in their nature and characters, the primary objects of these seditions, secret associations were boldly developed at a convention held by the anti-slavery party at Big Springs on the 5th and 6th days of September, 1855. But, before proceeding further in relation to this convention, the undersigned deems it proper to remark, that after the legislative election in March, 1855, Governor Reeder issued his proclamation, convening the legislature at Pawnee city, upon the express understanding that if there were not sufficient accommodations there for the members and officers of the legislature, they could, strictly in accordance with the provisions of the organic act, adjourn to any other point in the Territory, and if they did so he would co-operate with them. In proof of this, reference is made to the testimony of the Rev. Thomas Johnson, a member of the council. The legislature consequently met at Pawnee city. They remained there but a short time, as they found no accommodations for the members and officers of the legislature, the great majority of them having to camp out and cook their own provisions, there not being boarding-houses in the place sufficient to receive and accommodate them. The cholera also broke out there, and several deaths occurred in consequence. The legislature then adopted a resolution adjourning to Shawnee Mission. It is evident that Pawnee city was not a suitable place for the convening of the legislature, because of the absence of all accommodations for members, as well as being 145 miles from the Missouri river, whence they derived chiefly their supplies for subsistence. The house in which they were convened had neither doors nor windows, and but a temporary floor.

While in session, however, at Pawnee, the governor recognised them as a legally constituted legislative body, as will be more fully shown by reference to his message to that body; but, after they removed to Shawnee Mission, he vetoed all the bills they passed, of every description, upon the ground that they were sitting then at a place not authorized by law—the only ground alleged.

Meanwhile, "The governor, instead of exercising constant vigilance, and putting forth all his energies to prevent or counteract the tendencies to illegality which are prone to exist in all imperfectly organized and newly associated communities, allowed his attention to be diverted from his official obligations by other interests, and himself set the example of a violation of law in the performance of acts which [as it seems] rendered it the duty of the President of the United States, in the sequel, to remove him from the office of chief executive magistrate of the Territory."

The undersigned, in proof of the want of accommodations at Pawnee city, refers to the testimony of Rev. Thomas Johnson, member of the council, A. S. Johnson, Thomas Barbee, Wm. G. Matthias, and other

members of the legislature, as taken before a justice of the peace, and properly certified, which the undersigned begs to have considered a part of this report.

After the removal of Governor Reeder, chagrined as he evidently was, he is found an active member of the Big Springs convention, held on the 5th and 6th days of September; at which convention, as it is proven by the testimony of Marcus J. Parrott, a free-State man, and a member of the free-State legislature, taken before your committee, the following resolutions, drawn up in the hand-writing of Gov. Reeder, were adopted. They are taken by the undersigned from a certified copy of the proceedings of said convention, in evidence before your committee, and are as follows:

“Resolved, That we owe no allegiance or obedience to the tyrannical enactments of this spurious legislature; that their laws have no validity or binding force upon the people of Kansas, and that every freeman amongst us is at full liberty, consistently with all his obligations as a citizen and a man, to defy and resist them, if he chooses to do so.

“Resolved, That we will resist them, primarily, by every peaceable and legal means within our power, until we can elect our own representatives, and sweep them from the statute-book; and that, as the majority of the supreme court have so far forgotten their official duty, have so far cast off the honor of the lawyer and the dignity of the judge, as to enter, clothed with the judicial ermine, into a partisan contest, and by an extrajudicial decision, given opinions in violation of all propriety, have prejudged our case before we could be heard, and have pledged themselves to these outlaws in advance to decide in their favor, we will, therefore, take measures to carry the question of the validity of these laws to a higher tribunal, where judges are unpledged and dispassionate, where the law will be administered in its purity, and where we can at least have the hearing before the decision.

“Resolved, That we cannot and will not quietly submit to surrender our great ‘American birthright’—the elective franchise—which, first by violence, and then by chicanery, artifice, weak and wicked legislation, they have so effectually accomplished to deprive us of, and that we with scorn repudiate the ‘election law,’ so-called, and will not meet with them on the day they have appointed for the election, but will ourselves fix upon a day for the purpose of electing a delegate to Congress.

“Resolved, That we will endure and submit to these laws no longer than the best interests of the Territory require, as the least of two evils, and will resist them to a bloody issue, as soon as we ascertain that peaceful remedies shall fail and forcible resistance shall furnish any reasonable prospect of success; and that, in the mean time, we recommend to our friends throughout the Territory the organization and discipline of volunteer companies, and the procurement and preparation of arms.”

And, finally, as the natural result of the foregoing proceedings of the free-soil party in the Territory, the laws were violated, their execution openly resisted by them, till at length came the difficulties at Lawrence, in the fall of 1855, and after the Big Springs convention:

in regard to which, as the most reliable testimony taken by your committee, the undersigned begs to refer to the evidence of Governor Wilson Shannon, which is as follows: "That, as to the origin, progress, and conclusion of the difficulties at Lawrence last fall, (1855,) he begs leave to refer to his two despatches to the President of the United States, with the accompanying documents—the first dated on the 28th day of November, and the second on the 11th day of December, 1855—as containing what deponent believes to be a correct history and account of those transactions."

The following are the despatches and documents referred to by the witness:

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, November 28, 1855.

SIR: Affairs in this Territory are daily assuming a shape of real danger to the peace and good order of society. I am well satisfied that there exists in this Territory a secret military organization which has for its object, among other things, resistance to the laws by force.

Until within a few days past I have looked upon the threats of leading men and public papers who have placed themselves in an attitude of resistance to the laws, as not intended by those who made them to be carried into execution. I am now satisfied of the existence of this secret military organization, and that those engaged in it have been secretly supplied with arms and munitions of war, and that it is the object and purpose of this organization to resist the laws by force. The strength of this organization is variously estimated at from one to two thousand, but I have no satisfactory data from which to estimate its real strength, and I do not believe they can command for any given purpose more than one thousand men. They are said to be well supplied with Sharpe's rifles and revolvers, and that they are bound by an oath to assist and aid each other in the resistance of the laws when called upon so to do. Independent of the disclosures made by those who formerly belonged to this association and the hints thrown out in some of the public journals in their interest, the most practical proof of the truth of these allegations consists in their own acts. A few days since a difficulty took place in Douglas county, some ten miles south of Lawrence, between one of these men and a man by the name of Coleman, from Virginia, in relation to a claim; in which the former was shot and died immediately. Coleman was taken into custody for trial, by the sheriff of that county, and to avoid all ground of objection as to legal authority, Judge Leconte was written to and requested to attend at the county seat (it being in his judicial district) and sit as an examining court. In the mean time a large body of armed men, said to be from three to four hundred, collected at and near Lawrence for the avowed purpose of rescuing Coleman from the sheriff and executing him without a trial. Coleman claims that he shot the man strictly in self-defence, and is willing to abide a judicial investigation and trial. On Monday last a warrant was issued against one of this band of men for threatening the life of one of his neighbors, and placed in the hands of the sheriff of the county for execution, who, with a posse of some ten men, arrested him on Tuesday night, and as he was convey-

ing the prisoner to Lecompton, he was met about two o'clock in the morning by a band of these men, consisting of between forty and fifty, all armed with Sharpe's rifles and revolvers, who forcibly rescued the prisoner out of his hands, and openly proclaimed that there were no officers or law in this Territory. In the settlement in which these transactions took place there were from sixteen to twenty law and order families, and about one hundred free-soil families. At the last advices three of the houses of the former had been burnt down by this armed band.

Cattle had been killed, and a considerable amount of corn and other personal property destroyed, and the whole law and order population of that neighborhood, induced by terror, had fled, except two families, whose lives were threatened. Helpless women and children have been forced by fear and threats to flee from their homes, and seek shelter and protection in the State of Missouri. Measures were being taken by the legal authorities to procure warrants against these lawless men, and have them arrested and legally tried. Under these circumstances the sheriff of the county has called on me for three thousand men to aid him in the execution of the warrants in his hands, and to protect him and his prisoner from the violence of this armed force. The force required by the sheriff is far beyond what I believe to be necessary, and indeed far beyond what could be raised in this Territory. From five to eight hundred men will be amply sufficient, I have no doubt, to protect the sheriff, and enable him to execute the legal process in his hands. With the view of giving to the sheriff the requisite aid, I have issued orders to Major General Richardson, of the northern division of militia of this Territory—a prudent and discreet man—a copy of which I send you herewith. I also send you a copy of a request I have made of General Strickler, who resides in the adjoining county to Douglas. These are the only orders I have thought it necessary to issue, by means of which I believe a sufficient force will be raised to protect the sheriff, and enable him to execute the legal process in his hands.

The time has come when this armed band of men, who are seeking to subvert and render powerless the existing government, have to be met and the laws enforced against them, or submit to their lawless dominion. If the lives and property of unoffending citizens of this Territory cannot be protected by law, there is an end to practical government, and it becomes a useless formality.

The excitement along the border of Missouri is running wild, and nothing but the enforcement of the laws against these men will allay it. Since the disclosure of the existence and purposes of this secret military organization in this Territory, there has been much excitement along the borders of Missouri, but it has been held in check, heretofore, by assurances that the laws of the Territory would be enforced, and that protection would be given to the citizens against all unlawful acts of this association. This feeling and intense excitement can still be held in subordination if the laws are faithfully executed; otherwise there is no power here that can control this border excitement, and civil war is inevitable. This military organization is looked upon as hostile to all southern men, or rather to the law and

order party of the Territory, many of whom have relations and friends, and all have sympathizers, in Missouri, and the moment it is believed that the laws will not furnish adequate protection to this class of citizens against the lawless acts of this armed association, a force will be precipitated across the line to redress real and supposed wrongs inflicted on friends that cannot be controlled, or for the moment resisted. It is in vain to conceal the fact: we are standing on a volcano, the upheavings and agitations beneath we feel, and no one can tell the hour when an eruption may take place. Under existing circumstances the importance of sustaining the sheriff of Douglas county, and enabling him to execute his process, independent of other considerations connected with the peace and good order of society, will strike you at once; and to do this by the aid and assistance of the citizens of this Territory is the great object to be accomplished, to avoid the dreadful evils of civil war. I believe this can be done; in this, however, I may be mistaken. No efforts shall be wanting on my part to preserve good order in the Territory, and I will keep you constantly advised of the progress and state of things here.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

HEADQUARTERS, SHAWNEE MISSION,

Kansas Territory, November 27, 1855.

SIR: Reliable information has reached me that an armed military force is now in Lawrence and that vicinity, in open rebellion against the laws of this Territory, and that they have determined that no process in the hands of the sheriff of that county shall be executed. I have received a letter from S. J. Jones, sheriff of Douglas county, informing me that he had arrested a man under a warrant placed in his hands, and while conveying him to Lecompton he was met by an armed force of some forty men, and that the prisoner was taken out of his custody, and open defiance bid to the law. I am also duly advised that an armed band of men have burnt a number of houses, destroyed personal property, and turned whole families out of doors in Douglas county. Warrants will be issued against those men, and placed in the hands of the sheriff of Douglas county for execution. He has written to me, demanding three thousand men to aid him in the execution of the process of the law and the preservation of peace.

You are, therefore, hereby ordered to collect together as large a force as you can in your division, and repair without delay to Lecompton, and report yourself to S. J. Jones, the sheriff of Douglas county, together with the number of your forces, and render to him all the aid and assistance in your power, if required in the execution of any legal process in his hands. The forces under your command are to be used for the sole purpose of aiding the sheriff in executing the law, and for no other purpose.

I have the honor to be, your obedient servant,

WILSON SHANNON

Major General WILLIAM P. RICHARDSON

HEADQUARTERS, SHAWNEE MISSION,
Kansas Territory, November 27, 1855.

SIR: I am this moment advised, by letter from S. J. Jones, sheriff of Douglas county, that while conveying a prisoner to Leecompton, whom he has arrested by virtue of a peace warrant, he was met by a band of armed men, who took said prisoner forcibly out of his possession, and bid defiance to the execution of all law in this Territory. He has demanded of me three thousand men to aid him in the execution of the legal process in his hands. As the southern division of the militia of this Territory is not organized, I can only request you to collect together as large a force as you can, and at as early a day as practicable report yourself, with the forces you may raise, to S. J. Jones, sheriff of Douglas county, and to give him every assistance in your power, in the execution of the legal process in his hands. Whatever forces you may bring to his aid are to be used for the sole purpose of aiding the said sheriff in the execution of the law, and no other. It is expected that every good citizen will aid and assist the lawful authorities in the execution of the laws of the Territory and the preservation of good order.

Your obedient servant,

WILSON SHANNON.

General H. J. STRICKLER.

EXECUTIVE OFFICE, SHAWNEE MISSION,
Kansas Territory, December 11, 1855.

SIR: In my despatch to you of the 28th ultimo, I advised you of the threatened difficulties in relation to the execution of the laws of this Territory in Douglas county. The excitement which then existed continued to increase, owing to the aggravated reports from Lawrence and that vicinity in relation to the military preparations that were being made to attack the sheriff and resist the execution of the laws. The excitement increased and spread, not only throughout this whole Territory, but was worked up to the utmost point of intensity in the whole of the upper portion of Missouri. Armed men were seen rushing from all quarters towards Lawrence, some to defend the place, and others to demolish it. The orders I had issued to Major General Richardson and General Strickler had brought to the sheriff of Douglas county a very inadequate force for his protection, when compared with the forces in the town of Lawrence. Indeed, the militia of the Territory being wholly unorganized, no forces could be obtained except those who voluntarily tendered their aid to the sheriff, or to Generals Richardson and Strickler. The whole force in the Territory thus obtained did not amount to more than three or four hundred men, badly armed, and wholly unprepared to resist the forces in Lawrence, which amounted, at that time, to some six hundred men; all remarkably well armed with Sharpe's rifles and other weapons. These facts becoming known across the line, in the State of Missouri, large numbers of men from that State, in irregular bodies, rushed to the

county of Douglas, and many of them enrolled themselves in the sheriff's posse. In this state of affairs, I saw no way of avoiding a deadly conflict but to obtain the use of the United States forces at Fort Leavenworth, and with that view I addressed you a telegraphic despatch, and received on the 5th instant your very prompt and satisfactory reply of the 4th instant, a copy of which I immediately transmitted, by special despatch, to Colonel Sumner, with the request that he would accompany me with his command to the scene of difficulty. In reply, I was informed he would immediately do so, having no doubt that in due time proper instructions would be received from the War Department. Information, however, which I received from both parties, convinced me that my presence was necessary to avoid a conflict, and without waiting for Colonel Sumner, I repaired to the seat of threatened hostilities, at the same time advising Colonel Sumner, by special despatch, of this movement. On my way to Lawrence, I met a despatch from Colonel Sumner, informing me that, upon reflection, he had changed his determination, and that he would not march with his command until he had received orders from the proper department, but that he would be ready to move with his command the moment such orders came to hand. I proceeded as rapidly as possible to the camp of General Strickler, on the Wakarusa, six miles east of Lawrence, and arrived in camp about three o'clock on the morning of the sixth instant. I found that General Strickler, as well as General Richardson, had very judiciously adopted the policy of incorporating into their respective commands all the irregular forces that had arrived. This was done with the view of subjecting them to military orders and discipline, and to prevent any unlawful acts or outbreaks. The great danger to be apprehended was from an unauthorized attack on the town of Lawrence, which was being strongly fortified, and had about one thousand and fifty men, well armed, to defend it, with two pieces of artillery, while, on the other side, there was probably in all near two thousand men, many of them indifferently armed, but having a strong park of artillery. I found in the camp at Wakarusa a deep and settled feeling of hostility against the opposing forces in Lawrence, and apparently a fixed determination to attack that place and demolish it and the presses, and take possession of their arms. It seemed to be a universal opinion in the camp that there was no safety to the law and order party in the Territory while the other party were permitted to retain their Sharpe's rifles, an instrument used only for war purposes. After mingling with all the leading men in the Wakarusa camp, and urging on them the importance of avoiding a conflict of arms, that such a step would probably light the torch of civil war and endanger the very Union itself, I still found that there was a strong desire with all, and a fixed determination with many, to compel the forces in Lawrence to give up their arms. Believing that such a demand would lead to a conflict which, if once commenced, no one could tell where it would end, and seeing no way to avoid it except by the aid of the United States forces, I again wrote another communication to Colonel Sumner, and sent it to him by special despatch about three o'clock on the morning of the 7th instant, requesting his presence; a copy of which I send you herewith, marked E. I received no reply

until my return to this place, after the difficulty had been arranged. I send you a copy of this reply, marked F. Early on the morning of the 7th instant I repaired to the camp at Lawrence, and found them busily engaged in their fortifications and in drilling their forces, and had a full and satisfactory interview with the committee appointed by the forces in Lawrence, in relation to the impending difficulties. So far as the execution of the laws was concerned, we had no difficulty in coming to a satisfactory understanding. It was at once agreed that the laws of the Territory should have their regular course, and that those who disputed their validity should, if they desired to do so, test that question in the judicial tribunals of the country; that, in the mean time, no resistance should be made to their due execution, and the citizens of Lawrence and vicinity were, when properly called on, to aid in the arrest of any one charged with their violation, and aid and assist in the preservation of the peace and good order of society; while, on my part, I gave them every assurance in my power that they should be protected in all their rights and defended against any unlawful aggressions. It is proper I should say, that they claimed that a large majority of them had always held and inculcated the same views. The assurances I received entirely satisfied me that no one against whom a writ had issued was then in Lawrence; that they had all fled, and that they were harboring, concealing, or defending no one against whom a writ had been issued, and that hereafter there would be no combined effort made to prevent the service of any process in the county of Douglas. This was entirely satisfactory, and all that had been desired. But to satisfy the forces that surrounded Lawrence, so that they could be induced to retire in order, was the great difficulty to be overcome. To issue an order to the sheriff to disband his *posse*, and to Generals Richardson and Strickler to disband their forces, would have been to let loose this large body of men, who would have been left without control to follow the impulse of their feelings, which evidently was to attack and disarm the people of Lawrence. Early on the morning of the 8th, through the influence of some leading men, I procured thirteen of the leading captains in the Wakarusa camp to be appointed a committee to confer with a committee from the Lawrence camp, to meet at Franklin, midway between the two hostile forces. I proceeded to the Lawrence camp, and returned to Franklin in the evening, with the committee, where the proposed interview took place. This interview, which lasted for some time, resulted in producing a better state of feeling, and the committee from the Wakarusa camp were satisfied to retire without doing anything more, and so reported to the army. This, with the active exertions of myself and others, produced a better feeling among the men, and by daylight on the morning of the 9th, I felt I could with safety order the forces to disband, and accordingly did so. They retired in order, and refrained from any act of violence, but it was evident there was a silent dissatisfaction at the course I had taken. But I felt conscious I was right, and that my course would be sanctioned alike by the dictates of humanity and sound policy. I returned to Lawrence on the 9th, and remained until the morning of the 10th, when, everything being quiet and safe, I returned to this

place. Everything is quiet now; but it is my duty to say to you, frankly, that I have forebodings as to the future. The militia or volunteer corps cannot be relied on to preserve the peace in these civil party contests, or where partisans are concerned. A call on the militia will generally only bring in conflict the two parties. I am satisfied that the only forces that can be used in this Territory in enforcing the laws, or preserving the peace, are those of the United States, and with this view I would suggest that the executive of this Territory be authorized to call on the forces of the United States when, in his judgment, the public peace and tranquillity, or the execution of the laws, may require their assistance. Should there be an outbreak, it will most probably be sudden, and before orders can be obtained from Washington the crisis will have passed. I send you herewith the copies of various affidavits, letters, &c., which will give you some information in detail touching the subject-matter of this despatch.

I have the honor to be, your obedient servant,

WILSON SHANNON.

His Excellency FRANKLIN PIERCE.

UNITED STATES OF AMERICA, }
Territory of Kansas. } ss.

Be it remembered, that on this sixth day of December, in the year A. D. 1855, personally appeared before me, J. M. Burrell, one of the associate justices of the supreme court of the said Territory of Kansas, Harrison Buckley, of lawful age, who being by me duly sworn, saith that he is a citizen of the county of Douglas, and has resided therein since 30th day of March last, and has resided during all that time at Hickory Grove; that he was informed on good authority, and which he believed to be true, that Jacob Branson had threatened his life, both before and after the difficulty between Coleman and Dow, which led to the death of the latter. I understood that Branson swore that deponent should not breathe the pure air three minutes after I returned, this deponent at this time having gone down to Westport, in Missouri; that it was these threats, made in various shapes, that made this deponent really fear his life, and which induced him to make affidavit against the said Branson, and procure a peace warrant to issue, and be placed in the hands of the sheriff of Douglas county; that this deponent was with the said sheriff (S. J. Jones) at the time the said Branson was arrested, which took place about two or three o'clock in the morning; that Branson was in bed when he was arrested by said sheriff; that no pistol or other weapon was presented at the said Branson by any one; that after the arrest, and after the company with the sheriff had proceeded about five miles in the direction of Leecompton, the county seat of Douglas county, the said sheriff and his posse were set upon by about between thirty and forty men, who came out from behind a house, all armed with Sharpe's rifles, and presented their guns cocked, and called out who they were; and said Branson replied that they had got him a prisoner; and these armed men called on him to come away. Branson then went over on their side, and

sheriff Jones said they were doing something they would regret hereafter in resisting the laws; that he was sheriff of Douglas county, and, as such, had arrested Branson. These armed men replied that they had no laws, no sheriff, and no governor, and that they knew no laws but their guns. The sheriff, being overpowered, said to these men, that if they took him by force of arms he had no more to say, or something to that import, and then we rode off. This deponent further states that there have been three houses burned in the Hickory Point settlement; one was this deponent's house, another belonged to Josiah Hargis, and the third to said Coleman. All I had in the world was burned up, leaving my wife and children without clothing. This deponent's wife and four children fled to Missouri, where they still remain with their relatives. The house of deponent was burned down, as it is said, shortly before daylight in the morning. The wives and children of both Coleman and Hargis also fled to Missouri, where they still remain. There were about fifteen or sixteen law-abiding families in the settlement called the Hickory Grove settlement about the time these difficulties sprung up; they have all been forced by terror and threats of these armed men to flee with their wives and children to the State of Missouri for protection, and still remain there. These armed men have repeatedly in my presence said that they would resist the law by force, and there was no law in this Territory. These threats have been repeatedly made by these men for the last three months. And further this deponent saith not.

H. H. BUCKLEY.

Sworn and subscribed the day and year above stated, before me.

J. M. BURRELL,

Associate Justice Supreme Court, Kansas Territory.

UNITED STATES OF AMERICA, }
Territory of Kansas. } ss.

Be it remembered, that on this 7th day of December, A. D. 1855, personally came before me, S. G. Cato, one of the associate justices of the supreme court of the Territory of Kansas, Josiah Hargis, of lawful age, who being by me duly sworn, deposeth and saith, that on or about the 26th day of November, 1855, in Douglas county, sheriff Jones called upon me, with nine others, to act as a posse to arrest one Jacob Branson, under a peace warrant issued by Hugh Cameron, a justice of the peace; that he proceeded with said sheriff to Hickory Point, in said county, and there arrested said Branson, with whom they proceeded in the direction of Lawrence. When near a house on the Wakarusa an armed mob of persons, amounting to between thirty and forty, rushed from behind said house, and by force did rescue said Branson out of the hands of said sheriff and posse, and in defiance of said sheriff's command, take said Branson and refuse to deliver him to said sheriff. That the said sheriff told the said mob that he held said Branson under a peace warrant properly issued by a legally authorized officer; and that he was sheriff of said county of Douglas,

and charged with the execution of said writ. The leader of said mob replied to said officer that they knew him as Mr. Jones, but not as sheriff of Douglas county. He then told them that he would call out the militia to enforce the law. Their reply was that he could not get men to enforce said law. He told them then that he would call on the governor for assistance; to which the said mob replied that they had no laws and no officers, and to pitch in. Said mob stood with their guns cocked and presented at the time of said rescue.

This deponent further saith, one H. H. Buckley, of said county of Douglas, was with said sheriff at the time of said rescue, as one of said sheriff's posse; that during the same night on which said rescue was made, said affiant saw a light in the direction of said Buckley's house, and that he fully believes said house was at that time burned. That he believes, from circumstances within his knowledge, that said house, together with his own, was burned by persons concerned with said mob; and that he has reason to believe that some of said houses were fired by said Branson aforesaid, assisted by a German, commonly called Dutch Charley; and they were counselled and advised thereto by one Farley. This affiant further says, that at the time of the rescue of said prisoner he was at a house near Hickory Point, and that he there saw three women, who told him that there had been an armed force that day who notified them to leave, and all other pro-slavery families in the neighborhood; and since, said families have left said neighborhood and fled to the State of Missouri. Said affiant says that he believes there were at that time in said neighborhood about fifteen pro-slavery families, nearly all of whom have fled, as aforesaid, to the State of Missouri, for protection. Said armed force was represented to consist of from one hundred to one hundred and fifty armed men.

S. N. HARGIS.

Sworn and subscribed before me.

S. G. CATO,
Associate Justice of Kansas Territory.

In relation to events which have transpired since the appointment of your committee, the majority of your committee use this language: "Your committee did not deem it within their power or duty to take testimony as to events which have transpired since the date of their appointment." The undersigned begs to say, that the majority of your committee did, however, take testimony as to events which "transpired since the date of their appointment." They admitted to record the testimony of Pardee Butler, as to his being tarred and cottoned at Atchison, and that of others touching other events, all happening after the date of their arrival in Kansas Territory, and consequently after that of their appointment. Having admitted testimony as to some events of the kind, it was but justice to all parties that counter testimony, relating to those as well as other events of the same kind, should be admitted. And thus the undersigned thought, when the counsel of General Whitfield sought to introduce evidence as to the Pottawatomie Creek murders, and other outrages. Having established a precedent, it was inconsistent for the majority of your

committee to refuse to take such testimony upon the ground that they had no "power," and that it was not their "duty" to investigate occurrences that "transpired since the date of their appointment." They exercised such a "power," and in part fulfilled such a "duty," when they took testimony prejudicial to the pro-slavery party; but when testimony unfavorable to the free-State party was sought to be introduced, it was then, and not till then, that the majority of your committee concluded that it was not within "their power or duty to take testimony as to events which transpired since the date of their appointment." But the majority of your committee extricated themselves from the dilemma in which they had, in this regard, placed themselves, by expunging testimony favorable to the free-State party side—testimony already received in relation to alleged violence shown to Pardee Butler and others, so that they could consistently refuse to admit testimony as to outrages committed by the free-State people, which in savage barbarity and demoniac cruelty have scarcely an equal in the history of civilized man. But, notwithstanding that the majority deemed it without their "power or duty" to investigate matters occurring since the time of their appointment, they have reported, and in their report dwelt with much warmth of expression upon, events which they admit "transpired since the date of their appointment"—events for which they do not claim to have a shadow of authority for their truth except vague rumor, and for which in fact there is none as yet shown; and the testimony in regard to at least one of which events they had expunged from the record, to wit, the tarring and cottoning of Pardee Butler. The undersigned is of the opinion, that if the majority of your committee are justified in reporting and dwelling upon occurrences for the truth of which they offer no proof, he is equally, if not much more strongly justified, in reporting and dwelling upon occurrences for the proof of which he has sworn testimony. The majority of your committee having presented, in their report, scarcely anything but what is favorable to the abolition party in Kansas and prejudicial to the law and order party, the undersigned deems it a duty, no less to the House than to the country and the cause of truth, to give some facts on the other side favorable to the other party in Kansas, so that in presenting both sides, the world may have a fair chance to get at the truth, and arrive at a just conclusion. The minority of your committee (the majority having alluded, in their report, to events as to which they refused to take testimony) has fortunately been furnished with sworn testimony to which he desires to refer, and which he considers important to lay before the House and the public. First in order of time are the murders committed on the night of the 24th of May, 1856, on Pottawatomie creek. In this massacre, it is known that five persons were killed in one night, viz: Allen Wilkinson, William Sherman, William P. Doyle, father, and William and Drury Doyle, sons. The undersigned begs leave to refer to various affidavits which he appends to and makes a part of his report.

Allen Wilkinson was a member of the Kansas legislature—a quiet, inoffensive man. His widow, Louisa Jane Wilkinson, testifies, that on the night of the 24th of May last, between the hours of midnight

and day-break, she thinks, a party of men came to the house where they were residing and forcibly carried her husband away; that they took him in the name of the "Northern Army," and that next morning he was found about 150 yards from the house, dead. Mrs. Wilkinson was very ill at the time with measles. Here follows an extract from her affidavit: "I begged them to let Mr. Wilkinson stay with me, saying that I was sick and helpless, and could not stay by myself. My husband also asked them to let him stay with me until he could get some one to wait on me; told them that he would not run off, but would be there the next day, or whenever called for; the old man who seemed to be in command looked at me, and then around at the children, and replied, 'you have neighbors.' I said, 'so I have, but they are not here, and I cannot go for them.' The old man replied, 'it matters not,' and told him to get ready. My husband wanted to put on his boots, and get ready, so as to be protected from the damp and night air, but they would not let him. They then took my husband away. * * * After they were gone I thought I heard my husband's voice in complaint. * * * Next morning Mr. Wilkinson's body was found about 150 yards from the house, in some dead brush. A lady, who saw my husband's body, said that there was a gash in his head and his side. Others said that he was cut in the throat twice." Mr. Wilkinson was a poor man, and of course his widow was left destitute; but, regardless of this fact, they took away some property, including the only horse they had. Mrs. Wilkinson was presented at Westport, Missouri, with the necessary means to go to her father's in Tennessee. She has two small children. Mrs. Wilkinson's description of the leader of the men who murdered her husband suits Captain John Brown, a well known character in the abolition party. She says that her husband was a quiet man, and was not engaged in arresting or disturbing anybody. He took no active part in the pro-slavery cause, so as to aggravate the abolitionists; but he was a pro-slavery man.

The circumstances attending William Sherman's assassination are testified to by Mr. James Harris, of Franklin county, Kansas. Mr. Sherman was staying over night at the house of Harris, when, on the night of the 24th of May, about two o'clock, Captain John Brown and party came there, and after taking some property and questioning Harris and others, Sherman was asked to walk out. Mr. Harris, in his affidavit, says: "Old man Brown asked Mr. Sherman to go out with him, and Sherman then went out with Brown. I heard nothing more for about fifteen minutes. Two of the 'Northern Army,' as they styled themselves, staid with us until we heard a cap burst, and then these two men left. Next morning, about ten o'clock, I found William Sherman dead in the creek near my house. I was looking for him; as he had not come back, I thought he had been murdered. I took Mr. William Sherman (body) out of the creek and examined it. Mrs. Whiteman was with me. Sherman's skull was split open in two places, and some of his brains were washed out by the water; a large hole was cut in his breast, and his left hand was cut off, except a little piece of skin on one side."

In relation to the assassination of James P. Doyle and sons, the

affidavit of Mrs. Mahala Doyle, the widowed mother, was procured. William Doyle, one of the murdered, was twenty-two years of age; Drury Doyle, the other, was twenty years of age. Mrs. Doyle was left very poor, with four children—one of them only eight years old—to support. Mrs. Doyle testifies: "That a party of armed men came to her house about 11 o'clock, she thinks, on the night of the 24th of May; they first inquired where Mr. Willmason lived, and then made Mr. Doyle open his door, and went into the house, saying they were from the 'Army of the North,' and asking them to surrender." Says Mrs. Doyle: "They first took my husband out of the house, then they took two of my sons—the two eldest, William and Drury—out, and then took my husband and the two boys away. My son John (sixteen years old) was spared because I asked them, in tears, to spare him. In a short time afterwards I heard the report of pistols—two reports; after which I heard moaning, as if a person was dying; then I heard a wild whoop. * * * I went out next morning in search of them, and found my husband and William, my son, lying dead in the road, near together, about two hundred yards from the house. They were buried the next day. On the day of the burying I saw the dead body of my son Drury. Fear for myself and the remaining children induced me to leave the home which we had been living at, and I went to the State of Missouri."

The testimony of John Doyle goes to corroborate that of his mother. Here follows an extract: "I found my father and one brother (William) lying dead in the road, about two hundred yards from the house. I saw my other brother lying dead on the ground, about one hundred and fifty yards from the house, in the grass, near a ravine. His fingers were cut off; his head was cut open; there was a hole in his breast. William's head was cut open, and a hole was in his jaw, as though it was made by a knife, and a hole was also in his side. My father was shot in the forehead and stabbed in the breast. I have talked often with northern men and eastern men in the Territory, and these men talked exactly like eastern men and northern men talk—that is, their language and pronunciation were similar to those of eastern and northern men with whom I had talked. An old man commanded the party; he was of dark complexion, and his face was slim. My father and brothers were pro-slavery men, and belonged to the *law and order party*."

There seems to be little or no doubt that a certain notorious leader of the free-State party (as they call themselves) in Kansas, whose name it is not here deemed proper to give, was at the head of the party engaged in this fiendish massacre. Mr. Harris testifies that one John Brown, one of the leaders of the free-State party, was engaged in the killing of Sherman, and it will hardly be doubted that they who murdered Sherman also killed the rest—all being murdered on the same night and in the same neighborhood. Those who were killed, it is testified, were pro-slavery people; and the undersigned has no hesitation in saying that these ill-fated men were deprived of their lives, and their wives and children made widows and orphans, in consequence of the insurrectionary movements instigated and set on foot by the reckless leaders of the Topeka convention.

Next in order are the outrages committed on the property of Morton Bourn and that of J. M. Bernard. The affidavit of Mr. Bourn shows that, on the night of Wednesday, the 28th day of May, 1856, a party of abolitionists entered his house forcibly, threatened to take his life if he did not leave the Territory immediately; took all the money he had, which they said they wanted to carry on the war. They also took guns, saddles, and horses, and then robbed his store of various articles. Mr. Bourn, on oath, says: "I own slaves, and have a crop of corn and wheat growing. Have never taken any active part with the pro-slavery party, only voted the pro-slavery ticket, and was for sustaining the laws. * * * These men said I must leave in a day or two or they would kill me, or hinted as much—said I would not fare well, or words to that effect. I left for fear of my life and the lives of my family. They said that the war was commenced, that they were going to fight it out, and drive the pro-slavery people out of the Territory, or words to that amount. The men that robbed my house and drove me away from my property were abolitionists, or free-soilers. * * * I believe they hated me so because I am a pro-slavery man, and in favor of the Territorial laws, and because I served on the last grand jury at Leecompton."

But the most flagrant case of robbery that occurred while your committee were in Kansas was the plundering of Mr. Joab Bernard's store and premises. Mr. Bernard is quite a young man, and of highly respectable family. While prosecuting his business, he was warned that his life was in danger, and was compelled to leave his home for safety; and during his absence his store was robbed of nearly four thousand dollars' worth of goods and money, and his premises of cattle and horses of the value of at least one thousand more. The facts of this case are testified to by Messrs. John Miller and Thomas S. Hamilton. Mr. Bernard testifies himself as to his life being threatened, and the amount of goods in his store and other property on the premises. Messrs. Miller and Hamilton corroborate his testimony, and the undersigned makes their depositions a part of his report. St. Bernard, J. M. Bernard's place, is situated in Douglas county, on the California and Fort Scott road, about thirty miles from Leecompton. The robbery took place on the 27th day of May, 1856. In his affidavit, Mr. Miller says: "I was in the store with Mr. Davis. Whilst there a party of thirteen men came to the store on horseback, armed with Sharpe's rifles, revolvers, and bowie-knives. They inquired for Mr. Bernard. I told them that he had gone to Westport. One of them said to me, 'You are telling a God damned lie,' and drew up his gun at me. Some of them came into the store, and the rest remained outside. They called for such goods as they wanted, and made Mr. Davis and myself hand them out, and said if we 'didn't hurry' they would shoot us. They had their guns ready. After they had got the goods—they wanted principally blankets and clothing—they packed them upon their horses and went away. Mr. Joab Bernard is a pro-slavery man." Mr. Miller recognised one of the party as an active free-State man. They on the next day came back with a wagon, and took the remainder of the goods in the store, except about one hundred and fifty dollars' worth—including flour, sugar, coffee, bacon,

and all kinds of provisions, as well as two fine horses, three saddles, two bridles, and all the money there was in the store. In the conclusion of his affidavit, Mr. Miller says: "When they first came, they looked up at the sign, and said they would like to shoot at the name." The affidavits accompanying this report are full and explanatory, and the undersigned begs to make them a part of his report. They are sworn to before a justice of the peace for Jackson county, Missouri, and the seal of the Jackson county court is attached to the clerk's certificate, as to the official character of the justice of the peace. The undersigned thinks that, in reviewing these outrages, he did not inappropriately characterize the Pottawatomie creek murders as instances of "savage barbarity and demoniac cruelty," while the robberies of Bourn and Bernard are almost without parallel in the history of crime in this country. In this connexion, the undersigned deems it proper to state that the report so currently circulated throughout the country, to the effect that the lamented Wilkinson, Sherman, and the Doyles were caught in the act of hanging a free-State man, and were shot by a party of free-soilers, is without the least foundation in truth—that it is entirely false.

In conclusion, the undersigned begs to report the following facts and conclusions, as he believes, established by the testimony and sanctioned by the law:

First. That at the first election held in the Territory under the organic act, for delegate to Congress, Gen. John W. Whitfield received a plurality of the legal votes cast, and was duly elected such delegate, as stated in the majority report.

Second. That the Territorial legislature was a legally constituted body, and had power to pass valid laws, and their enactments are therefore valid.

Third. That these laws, when appealed to, have been used for the protection of life, liberty and property, and for the maintenance of law and order in the Territory.

Fourth. That the election under which the sitting delegate, John W. Whitfield, was held, was in pursuance of valid law, and should be regarded as a valid election.

Fifth. That as said Whitfield, at said election, received a large number of legal votes without opposition, he was duly elected as a delegate to this body, and is entitled to a seat on this floor as such.

Sixth. That the election under which the contesting delegate, Andrew H. Reeder, claims his seat, was not held under any law, but in contemptuous disregard of all law; and that it should only be regarded as the expression of a band of malcontents and revolutionists, and consequently should be wholly disregarded by the House.

Seventh. As to whether or not Andrew H. Reeder received a greater number of votes of resident citizens on the 9th, than J. W. Whitfield did on the 1st of October, 1855, no testimony was taken by the committee, so far as the undersigned knows, nor is it material to the issue.

All of which is respectfully submitted.

M. OLIVER.